IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

W.P. NOs. 5086 OF 2001, 6648 OF 2002, 5545 OF 2001, 6013, 6104, 6437, 6452, 6484, 6626, 6656, 6827, 6963, 7032, 7140, 7166, 7752, 8790, 9196, 9200, 9735, 10096, 10137, 12817, 12842, 13387, 13531, 13610, 13623, 13682, 13822, 13827, 14015, 14024, 14368, 14372, 14626, 15209, 15946, 16783, 17621, 17826, 18984, 19084, 19574, 20413, 20696 & 20888 OF 2001; 2434, 2665, 3910, 4513, 6216, 7307, 7515, 8529, 8781, 9642, 9733, 1863, 12850 & 15265 of 2002; 2679, 9024, 13855, 13907, 14633, 16562, 17247, 19756, 2678, 3709, 11417, 21348 of 2003; 3192, 11372, 12914, 13232, 14723 & 14729 OF 2004.

WP.NO.5086 OF 2001

Between:-

1 Krishna Foods & Acqua Minerals Z.P.High School

Opposite Road, Nallajerla, West Godavari Dist rep.by its

Managing Partner Duggina Leela Krishna S/o.Venugopala

Krishna Rao male, age 35 yrs, Nallajerla, WG Dist.

2 Sri Durga Beverages Pvt Ltd., Plot No.269, Guruswamy

Colony, Khanajiguda, Secunderabad-15 rep.by its

Director Kolluri Suryanarayana Murthy, S/o.Sreerama

Murthy, male, age 42 yrs Khanajiguda, Secunderabad- 15

3 Crystal Pure, Kala Associates Situated at 11-54-42, 1st Floor, Vishnupriya Complex, Golabchand Street, Vijayawada Krishna Dist.,

rep.by its Manager Sri.N.Srinivasa Rao, S/o.Chinabrahmaiah age 33

yrs, R/o.Golabchand Street, Vijayawada

4 Surya Mineral Water Mothevari Choultry Street, Eluru
rep.by its Proprietor Chamarthi Ganeswar Rao,
S/o.Soma Suryanarayana age 40 yrs, Eluru, W.G.Dist

5 Bobby Food Products Chebrole, West Godavari District
rep.by its Proprietor Yadlapalli Simhadri Appa Rao
S/o.Y.V.Subbarayudu,age 36 yrs, Chebrole, Ungutur Mandal, West

Godavari Dist

6 Sri VAsavi Agro Products Sri Grandhi Real Estates, Kancharak

Street, Rajam, Ananthapalli, Srikakulam Road, Rajam Srikakulam

District, rep.by its Managing Partner
G.M.Rao, S/o.Venkata Raju age 48 yrs, Srikakulam Road, Rajam,

Srikakulam Dist.

7 Jaimal Mineral Water Industries Vinukonda, rep.by its Proprietor
M.V.N.Rambabu, S/o.Pedakoteswar Rao age 36 yrs, Vinukonda,

Guntur Dist.

8 Hitech Mineral Water Vijayawada, rep.by its Proprietor
A.Sreenivasa Rao, S/o.Veeraiah age 36 yrs, Vijayawada, Krishna

Dist

9 Satya Water Industries Angalakuduru, Guntur Dist
rep.by its Managing Partner Madala Prasadarao, S/o.Venkataratnam
age 44 yrs, Angalakuduru, Guntur Dist

10 Sri Ganesh Spun Pipe & Cement Products rep.by its Managing

Partner Gudur Sivaramakrishna S/o.Butchiraju, age 35 yrs,
Kaikaluru, Krishna Dist

..... PETITIONER(S)

AND

1 The Govt. of India Ministry of Health and Family Welfare
Department of Health, rep.by its Secretary,
New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office
Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of

Mandamus declaring the impugned notification Dt.29th September 2000 issued by the respondents bringing the Mineral Water Units/ packaged Drinking Water of them under the compulsory BIS certification with effect from 29/03/2001 without any notice to them and without giving them any opportunity of hearing, which involves huge financial commitments, and non-intimating the said requirement to them so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires of unconstitutional step and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for the Petitioners:-SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mr.DEEPAK BHATTACHARJEE
Addl. S.C. for Central Government.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

(2) WRIT PETITION No.6648 OF 2002

Between:

M/s Dharani Mineral Waters rep.by its Proprietor
R.Nagaraju, S/o.Narayana age 30 yrs, R/o.9-26, Main Road,
Pulivendula, Cuddapah District

..... PETITIONER

AND

1 The Secretary Ministry of Health and Family Welfare

(Department of Health), Govt. of India, New Delhi .
2 General Manager, District Industries Centre,
Cuddapah District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notice Dt.19/02/2002 in spite of this Hon'ble Court granting stay of GSR.No.202(E), Dt.21/03/2001 and GSR.No.759(E) & GSR.No.760(E), Dt.29/09/2000 directing the petitioner to stop manufacturing of

mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Art.19(g) and 21 of the Constitution of India and also violative of Sec.14 of the Bureau of Indian Standards Act, 1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: GP FOR INDUSTRIES & COMMERCE.

(3) <u>WRIT PETITION NO : 5545 OF 2001</u>

Between:

1 Warrior Mineral Water rep.by its Managing Partner
Ch.Venkateswara Rao, S/o.Venkateswarlu age 45 yrs, 11,

Throvagunta, Ongole, Prakasam Dist
2 M/s Sai Vennela Enterprises rep.by its Manager,
Thanneru Venkata Panduranga Kalyana Sarma

S/o.Lakshmi Kantha Rao, age 34 yrs,
Lakshmipuram, Cheerala, Prakasam Dist
3 The Rama Mahila Industrial Coop. Society Ltd., rep.by its

Manager, Sri.J.Prabhakar, S/o.Ramalingam, age 47 yrs

R/o.Plot No.200, Revenue Colony,
Nandyal Road, Kurnool, Kurnool Dist
4 Meher Mineral Water rep.by its Proprietor J.Madana Gopal
S/o.Subbayya Setty, age 48 yrs, D-3, Industrial Estate,

Kadiri-515 591, Anantapur Dist
5 Sai Kalyan Mineral Water rep.by its Proprietor Smt.T.Seshu

Kumari, W/o.Anjaneyulu, age 32 yrs, R/o.7-155, Martur,

Prakasam Dist.
6 Thanmai Minwat Enterprises rep.by its Managing Partner
Sri.V.Subbarao, S/o.Venkateswarlu age 33 yrs,

R/o.Prakash Nagar, Narasaraopet, Guntur Dist
7 Amrutha Waters rep.by its Proprietor Sri.K.Anil Kumar
S/o.Damodar, age 27 yrs R/o.11-24-107, Desaipet Road,
Warangal Dist
8 Sri Saideep Mineral Water rep.by its Managing Partner

Smt.Bharathi, W/o.Ravindra Reddy, female, age 35 yrs

R/o.Yerragadda Gutta, Hasanparthi (V&M) Warangal Dist
9 M/s Kaveri Industries rep.by its Proprietor, Sri.B.Ravi

Kumar, S/o.rangareddy, age 31 yrs R/o.D.No.2-10-791,

Vaddepalli X Roads, Hanamkonda, Warangal Dist
10 J.S.J.Corporation rep.by its Managing Partner Smt.Jyothi
W/o.Atchutha Murthy, age 30 yrs D.No.2-5-161,

P.S.R.Road, Khammam
11 Sadana Industries rep.by its Managing Partner

Sri.P.Ramesh, S/o.Satyanarayana, age 33 yrs R/o.D.No.7-

2, Wyra, Santhinagar, Khammam District
12 Suguna Beverages rep.by its Managing Partner
A.Udaya Bhaskar, S/o.Venkateswar Rao age 29 yrs,

R/o.D.No.4-2-185, Radhakrishna nagar, Rotary Nagar,

Khammam Dist
13 Sridhar Ice Factory rep.by its Proprietor
Smt.G.Pushpavathi, W/o.Shankar age 34 yrs, R/o.1-1-186,

Main Road, Suryapet, Nalgonda Dist
14 J & J Springs, rep.by its Managing Partner
Smt.Jayasree, W/o.Vinod Kumar age 30 yrs,

R/o.Jaheerpura, Khammam Dist

..... PETITIONER(S)

AND

1 The Govt. of India Ministry of Health and Family Welfare
(Department of Health) rep. by its Secretary
New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office,
Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notification Dt.29th September 2000 issued by the respondents bringing the Mineral Water Units/ packaged Drinking Water of them under the compulsory BIS certification with effect from 29/03/2001 without any notice to them and without giving them any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to them so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for the Petitioners:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

Addl. S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

(4) WRIT PETITION NO : 6013 OF 2001

Between:

Sony Crystal & Safe Mineral Water rep.by its Proprietor Md.Moin S/o.Abdul Jabbar, age 34 yrs, R/o.D.No.11-24-439, M.G.Road, Warangal, Warangal Dist

..... PETITIONER

AND

1 The Govt. of India Ministry of Health and Family Welfare (Department of Health) rep. by its Secretary, New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of

mandamus declaring the impugned notification in GSR.No.202(E), Dt.21/03/2001 and GSR.759(E) and GSR.760(E) Dt.29th September 2000 issued by the respondent No.1 bringing the Mineral Water Units/ packaged Drinking Water under the definition of food and compulsory BIS certification with effect from 29/03/2001 without any notice to them and without giving any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to the petitioner so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and unconstitutional and consequently to quash the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for the Petitioner:-SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mr. K. Jagan Mohan Reddy.

Addl. S.C. for C.G.

Counsel for the Respondent No.2: MR.O.MANOHER REDDY

(5) <u>WRIT PETITION NO : 6104 OF 2001</u>

Between:

1 M/s Srikanth Waters Pvt. Ltd., rep.by its Managing Partner
Mr.Rajendra Kumar Jain, S/o.Gital Jain F-3, Adilaxmi

Apartment,1st Floor, Temple Street, Kakinada
2 M/s Gummadi Industries (Amrutha Mineral Water)
rep.by its Proprietor, G.Srinivasa Rao S/o.G.Narayana, age

28 yrs, R/o.42-1-191(H), Karuvadi Donka Kammapalem,

Ongole-523 001, Prakasam Dist
3 M/s S.P.Mineral Waters (Unit of S.P.Corrugation Boxes)
rep.by its Managingt Partner Sri.T.Thandava Krishna Murthy
S/o.Venkata Subbaiah, age 55 yrs R/o.2-23-18, Sarada

Street, Srinagar Colony, Kakinada

..... PETITIONER(S)

AND

1 The Govt. of India Ministry of Health and Family Welfare
(Department of Health) rep.by its Secretary, New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office
Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notification Dt.29th September 2000 issued by the respondents bringing the Mineral Water Units/ packaged Drinking Water of them under the compulsory BIS certification with effect from 29/03/2001 without any notice to them and without giving them any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to them so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for the Petitioners:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1:- Mr. Sreenath Patchipulusu, Addl. S.C. for C.G.

Counsel for the Respondent No.2 :- MR.O.MANOHER REDDY.

(6) <u>WRIT PETITION NO : 6437 OF 2001</u>

Between:

1 Himani Mineral Waters Kakinada, rep.by its Propretrix
Smt.Vanga Nagalakshmi W/o.Seshayya, age 42 yrs,
R/o.4/53, Sarpavaram Kakinada Rural, East Godavari Dist
2 Venkatadri Mineral Waters being rep.by Managing Partner
Sri.Vallabhaneni Subbarao S/o.Venkatadri, age 49 yrs,
R/o.D.No.9/70, Gudlavalleru, Krishna Dist
3 Rivereech Water Processors Yellagiri, Choutuppal, Nalgonda Dist
being rep.by its Managing Partner Sri.N.Venakta Reddy,

S/o.Ramireddy, age 31 yrs, R/o.142, Near Municipal Comml.

Complex, Vanastalipuram, RR.Dist.

..... PETITIONER(S)

<u>AND</u>

1 The Govt. of India Ministry of Health and Family Welfare
(Department of Health) rep.by its Secretary, New Delhi
2 Bureau of Indian Standards Hyderabad Branch,
Station Road, Nampally, Hyderabad
3 Food (Health) Authority under Prevention of Food

Adulteration Act, Medical and Health Services, A.P.,

Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notifications in GSR.No.202(E), Dt.21/03/2001 and GSR.759(E) and GSR.760(E), Dt.29th September 2000 issued by the respondent No.1 bringing the Mineral Water Units/ packaged Drinking Water under definition of food and compulsory BIS certification with effect from 29/03/2001 without any notice to the petitioners and without giving them any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to the petitioners so far till few days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and unconstitutional and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for Petitioners:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mrs. P. Madhavi Devi, Addl. S.C. for C.G.

Counsel for Respondent No.2: MR.O.MANOHER REDDY

Counsel for Respondent No.3: G.P. for Medical Health & Family Welfare.

(7) **WRIT PETITION NO : 6452 OF 2001**

Between:

Pavithra Sai Industries rep.by its Managing Partner

B.C.Colony, Shenagapuram Road Mahaboobabad, Warangal Dist.

Sri.B.Srinivasa Rao, S/o.B.Sudharshana age 24 yrs, Warangal Dist

..... PETITIONER

AND

1 The Govt. of India Ministry of Health and Family Welfare
(Department of Health) rep. by its Secretary
New Delhi.

2 Bureau of Indian Standards, Hyderabad Branch Office
Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notifications in GSR.No.202(E), Dt.21/03/2001 and GSR.759(E) and GSR.760(E), Dt.29th September 2000 issued by the respondent No.1 bringing the Mineral Water Units/ packaged Drinking Water of them under definition of food and compulsory BIS certification with effect from 29/03/2001 without any notice to the petitioners and without giving any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to the petitioners so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(V) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and unconstitutional and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy,

S.C. for C.G.

Counsel for Respondent No.2: MR.O.MANOHER REDDY.

(8) WRIT PETITION No.6484 OF 2001

Between:

Sri Durga Beverages Pvt. Ltd., Plot No.269, Guruswamy Colony
Khanajiguda, Secunderabad-15 rep.by its Director Sri.Kolluri Suryanarayana
Murthy, S/o.Sirama Murthy, age 42 yrs, R/o. Khanajiguda Sec'bad-15

..... PETITIONER

AND

The Govt. of A.P., Office of the Food Inspector, RR.Dist.,
Directorate of Institute of Preventive Medicine, P.H.Labs & F(H) A, Narayanaguda,
Hyderabad, Rep.by the Food Inspector Division-II, Rangareddy Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notice Dt.06/04/2001 issued by the respondent directing the petitioner to stop manufacturing of mineral water / packaged drinking water basing on the impugned notifications No. GSR.759(E) and GSR.760(E), Dt.29th September 2000 issued by the Central Government which were impugned in Writ Petition No.5086/2001 and batch of writ petitions without waiting for the result of the said writ petitions as illegal, arbitrary, capricious and violative of principles of natural justice and also violative of the Fundamental Rights guaranteed under Articles 19(g) and 21 of Constitution of India and also violative of Sec.14 of the Bureau of Indian Standards Act, 1986 and consequently to set aside the same.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for the Respondent No. : GP FOR MEDICAL

HEALTH & FAMILY WELFARE

(9) WRIT PETITION NO : 6626 OF 2001

Between:

M/s Samco Aqua Pvt. Ltd., Karolbagh, Beerbun, Hyderabad
rep.by its Managing Director Mr.Syed Jawad Zulquadar
S/o.S.M.Hussen, age 40 yrs, R/o.D.No.11-4-658, Lakdikapul, Hyderabad

..... PETITIONER

AND

1 The Govt. of India Ministry of Health and Family Welfare
(Department of Health) rep. by its Secretary
New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office
Station Road, Nampally, Hyderabad
3 Govt. of A.P., Office of the Food Inspector
Directorate of Institute of Preventive Medicine, PH.Labs,

&F(H), A, Narayanaguda, Hyderabad
rep.by the Food Inspector, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notifications in GSR.No.202(E), Dt.21/03/2001 and GSR.759(E) and GSR.760(E), Dt.29th September 2000 issued by the respondent No.1 bringing the Mineral Water Units/ packaged Drinking Water of them under definition of food and compulsory BIS certification with effect from 29/03/2001 without any notice to the petitioners and without giving any opportunity of hearing, which involves huge financial commitments, and non intimating the said requirement to the petitioner so far till two days back as illegal, arbitrary, capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and also violative of Section 14 of Bureau of Indian Standards Act and also violative of Articles 14,19(g) and 21 of Constitution of India and also ultra vires and unconstitutional and consequently to set aside the said notification and consequential instructions issued by the second respondent in the form of Booklet by way of information of packaged water certification..

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA.

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for the Respondent No.3: GP FOR MEDICAL

HEALTH & FAMILY WELFARE

(10) **WRIT PETITION No.6656 OF 2001**

Between:

1 M/s Mag Fast Beverages 22-8-555/1&2

Chatta Bazar X Road, Hyderabad-2
rep.by its Proprietor Sri.Syed Ghaziuddin

2 M/s Sai Deep Beverages and Food Pvt. Ltd., 32-1151/124,

Enadu Colony, Kukatpally, Hyderabad rep.by its Director
Sri.Om Prakash L.

3 M/s Shiva Aqua Industries Plto No.53, Gandhi Gunj,

Vikarabad, rep.by its Proprietor C.Shiva Prasad

4 M/s Sri Vidya Mineral Processors Pvt. Ltd., Hemanagar,

PO.Box.No.10, Uppal Post, Hyderabad-39 rep.by its

Director Dr.Geetha V.Narayanan

5 M/s K.V.N.Industries Plot No.33, Green Park Colony,
Karmanghat, RR.Dist rep.by its Proprietor
K.Krishna Reddy

6 M/s S.N.R.Mineral D.No.12-1-1385
Shanthinagar Secunderabad rep.by its Partner
A.V.Srinivasa Rao

7 M/s Vishnu Industries 17-1-382/K/SB/53/B/A
Balajinagar, Champapet, RR.Dist., rep.by its Managing

Director K.Madhusudhan Reddy

8 M/s Sri Krishna Food Products 6-2-3, Shivarampally, NPA

Post R.R.District, rep.by its Proprietor S.Shivashanth

Reddy

9 M/s Mattepally Laxminarasimha Industries Teachers

Colony, Huzurnagar, Nalgonda Dist
rep.by its Proprietor Ch.Vinay Kumar

10 M/s Sri Balaji Acqua Industries Vivekananda Nagar,

Kukatpally rep.by its Proprietor T.Rajendra Babu

11 M/s Sri Venkateswara Beverages Munagala, Nalgonda Dist
rep.by its Managing Partner P.Ramachander Rao

12 M/s B.S.R.Industries PIN No.6, Block No.18
Auto Nagar, Hyderabad rep.by its Partner
P.Janardhan Rao

13 M/s V.H. Aqua Products 16-1-569/2, Behind ACP Office,
Saidabad, Hyderabad rep.by its Managing Partner
G.Venkat Reddy

..... PETITIONER(S)

AND

1 The Government of India Ministry of Health and Family

Welfare, (Department of Health), rep. by its Secretary,
New Delhi.

2 State of A.P. rep.by its Secretary

Medical & Health Secretariat, Hyderabad

3 Bureau of Indian Standard (BIS) Hyderabad Branch Office
Nampally Station Road, Hyderabad.

4 Institute of Preventive Medicine (IPM) rep.by its Director,

Narayanaguda, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notifications in GSR.No.202(E), Dt.21/03/2001 and GSR.759(E) and GSR.760(E), Dt.29th September 2000 issued by the respondent No.1 bringing the Mineral Water/packaged Drinking Water units under the definition of "Food" and compulsory certification from Respondent No.3 with effect from 29/03/2001 as illegal, capricious and violative of principles of natural justice as the Respondent No.1 has no jurisdiction as the same is in violation of Sec.2(V) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and Articles 14,19(g) and 21 of Constitution of India and consequently to quash the said notification, together with the instructions issued by the Respondent No.3.

Counsel for the Petitioners:- MRP.V.SANJEEVA RAO

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.3: Mr. O. Manohar Reddy

Counsel for Respondent Nos.2 and 4: G.P. for Medical Health & Family Welfare.

(11) <u>WRIT PETITION NO : 6827 of 2001</u>

Between:

1 M/s Bindu Water Industries rep.by its Prop.

Mr.M.Chinmayand
age 32 yrs, Business, R/o.Nunna St. Draksharam, E.G.Dist
2 M/s Vasavi Enterprises rep.by its Prop.G.Venkateswara Rao
S/o.G. Krishna Murthy age 32 yrs, Occ:Business,
R/o.Prathipadu, E.G.Dist

..... PETITIONER(S)

AND

1 Govt. of India Ministry of Health Family Welfare
Department of Health rep. by its Secretary
New Delhi
2 Bureau of Indian Standards Hyderabad Branch Office
Station Road, Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus declaring the impugned notification Dt.29/09/2000 issued by the respondents bringing the Mineral Water Units/ packaged Drinking Water of us under the compulsory BIS certification w.e.f. 29/03/2001 without any notice to us and without giving us any opportunity of hearing which involves huge financial commitments and non intimating the said requirements to us so far one week back as illegal, arbitrary capricious and violative of principles of natural justice and also unjust and unwarranted and suffers from lack of inherent jurisdiction and also violative of Sec.2(v) and Clause (2) Sec.23 of Prevention of Food Adulteration Act and Articles 14,19(g) and 21 of Constitution of India and also ultravires and consequently to set aside the said notification and consequential instructions issued by the 2nd respondent in form of booklet by way of information of packaged water certification.

Counsel for the Petitioners:- MR.K.V.SESHAGIRI RAO

Counsel for Respondent No.1: Mr. A. Rjasekhara Reddy, S.C. for C.G.

Counsel for the Respondent No.2: MR. O. Manohar Reddy

(12) WRIT PETITION NO : 6963 OF 2001

Between:-

R.V.Industries Mfg.Heritage Mineral Water Rep by its Proprietor Ravi Venkateswarlu S/o.Ramanaiah
Plot No.10, Block No.32 , Autonagar , Hyderabad,70.A.P Flat No.1/A, Plot No.II Upstair,Trinity Cooperative Bank Building Vanasthalipuram , Hyderabad .A.P.

..... PETITIONER

AND

1 Union of India Rep by its Joint secretary
Ministry of Health & Family welfare New Delhi.
2 Director , Bureau of Indian Standards
Manak Bhavan, 9 Bahadursah Zafar Marg New Delhi.
3 Director , Institute of Preventive Medicine
Narayanaguda, Hyderabad , A.P

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue an appropriate writ order or direction under Article 226 of the Constitution of India, particularly one in the nature of writ of Certiorari quashing the notification of the 1st respondent herein, Bearing No.GSR.760(E) Dt:29-9-2000 with respect to the insertion of sub-Rule(28) to Rule 49 of Prevention of Food and Adulteration amendment (rules) 2000 after calling for the records.

Counsel for the Petitioner:- MR.PRATTIPATI VENKATESWARLU

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2 :- MR.O.MANOHER REDDY

Counsel for Respondent No.3: G.P. for Medical Health & Family Welfare.

(13) WRIT PETITION NO : 7032 OF 2001

Between:-

1 Siri Springs Rep by its proprietor D.kaligangadhar Rao

S/o.Late Hanumanth Rao
Eluru , W.G.Dist (Brand Name:Kalpana)
2 Vijaya Industries Rep by its Proprietor P.Ramesh
Vijayawada , Krishna Dist.
3 Surya Aqua Minerals Rep by its Proprietor R.Ch.swamy

S/o.Chandrabhushanam
Narasannapeta , srikakulam Dist.
4 Balaji Auqa Industries Rep by its proprietor T.Raajendra

Babu S/o.Krishna rao
Jeedimetla ,Hyderabad (Brand Name : Supreme)
5 M.S.S.Beverages New Bakaram. Rep by its Proprietor

M.Venkatesh. S/o. M.N.Chetty
Hyderabad (Brand Name: Crystal springs)
6 L.K.Pharmaceuticals Pvt Ltd Rep by its MD L.Vijayalakshmi.

W/o.Murthy, Kakinada, E.G.Dist (Brand Name : Minwa)
7 Silver Springs Acqua Ltd Rep by its Proprietor Khalid R

Khan s/o.Abdul Mannakhan
A.C.Guards , Hyderabad (Brand Name: Silver Springs)
8 Universal Foods & Beverages Rep by its Partner

P.Ramchandra Murthy, Kushaiguda , Hyderabad.
9 Sri Vinayaka Foods & Beverages Rep by its Managing

partner J. Sunder Ram S/o. Panduranga Rao
Malakaj Giri ,Hyderabad (Brand Name : Tirtha)
10 Bio-Line Aqua Systems Rep by its Managing Partner

T.Satyanarayana S/o.Late Rama Mohan rao
KushaiGuda , Hyderabad (Brand Name : Avion Fresh)
11 Conpro Marketing Rep by its Managing Partner A.Martin

Raj s/o. Arulananda swamy
Somajiguda , Hyderabad (Brand Name: KENFAA)
12 Maim Distributors Rep by its Managing Partner Farooq

Mohiddin S/o.Mohd.Waluddin, Lakdi-ka-Phool, Hyderabad.

(Brand Name: Best Acqua Pure)
13 Lalitha Beverages Rep by its Proprietor Anthony Suresh

S/o.Late s.Reenglade, ECIL, Hyderabad (Brand Name:

Ashwine).

..... PETITIONER(S)

AND

1 Govt of India Rep by its Joint secretary
Ministry of Health and Family welfare New Delhi.
2 Institute of Preventive medicines Rep by its Director

(Inspecting Authority) Narayanaguda, Hyderabad
3 Secretary, Medical & Health Dept Govt of A.P, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the interim notification issued in notifications in G.S.R.No.202 E) Dt: 21-3-2001 and G.S.R 759 (E) and G.S.R 76 (E) Dt: 29-9-2000 issued by the Ministry of Health and Family Welfare Dept of Health , Govt., of India, New Delhi and the booklet issued by the 2nd respondent regarding information for packaged water certification on the basis of the aforesaid notification dt; 29-9-2000 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioners:- MR.A.JAGANNATHA RAO

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2 & 3 :- GP FOR MEDICAL

HEALTH & FAMI.WELFARE

(14) <u>WRIT PETITION NO : 7140 of 2001</u>

Between:-

V.R Enterprises Rep by T.Krishna Teja . S/o.T.ramaiah
Chilakaluripeta, Guntur Dist.

..... PETITIONER

<u>AND</u>

1 Govt of India Rep by its Joint Secretary
Ministry of Health & Family welfare New Delhi
2 Bureau of Indian Standards
Hyderabad Branch, Station road Nampally, Hyderabad.
3 Institute of Preventive Medicine Rep by its Director

(inspecting Authority)
Narayanaguda, Hyderabad.
4 Secretary, Medical and Health Dept Govt of A.P
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

May be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the interim notification issued in notifications in G.S.R 202(E) Dt: 21-3-2001 and G.S.R. 759(E) and G.S.R 760(E) Dt: 29-9-2000 issued by the Ministry of Health and family welfare Department of Health,, Govt., of India , New Delhi and the booklet issued by the 2nd respondent regarding information for packaged water certification on the basis of the aforesaid notification
dt: 29-9-2000 as illegal, arbitrary and with out jurisdiction.

Counsel for the Petitioner:- Mrs. K. Hemalatha

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for the Respondent Nos.3 & 4: G.P. for Medical, Health & Family Welfare.

(15) WRIT PETITION NO : 7166 OF 2001

Between:-

1 Sathya Sai Mineral Water Veeranjaneyapalli, Puttaparthi,

Anantapur Dist
rep.by is Managing Partner G.Thirupalappa
S/o.G.Ramappa, age 60 yrs
2 Sri Sai Mineral Works 4-2-74/30-A, D.B.Colony
Hindupur, Anantapur Dist rep.by its Partner
B.Srinivasulu S/o.A.V.Raghavaiah, age 30 yrs
3 M/s C.S.N.Enterprises rep.by its Proprietor
Ch.Satyanarayana S/o.Simhachalam, age 47 yrs
No.42 Block-D, Autonagar, Gajuwaka, Visakhapatnam
4 M/s Vijaya Foods Inc. rep.by its Managing Partner
Y.Raghava Rao 7-308, New Tirumala School
Navodaya Nagar, Narasaraopet Guntur Dist
5 M/s Smile Waters Old Super Market Building, Subhash Road,

Anantapur, rep.by its Managing Partner K.Anand,

S/o.Dr.K.Rangaiah Setty, age 46 yrs
6 Sri Sathguru Aqua Minerals 1-1, C-2 Beedupalli,

Prashanti Gram,
Behind Sathya Sai Super Speciality Hospital Puttaparthy,

Anantapur Dist
rep.by its Proprietor, B.I.Rama Murthy S/o.Raghavulu,

age 46 yrs
7 S.R.S.Minerals Products 9/68, DMM Gate Road
Guntakal, Anantapur Dist rep.by its Managing Partner
P.Govindarajulu, S/o.Lakshminarayana age 35 yrs

..... PETITIONER(S)

AND

1 Union of India rep. by its Joint Secretary
Ministry of Health & Family Welfare, New Delhi
2 Director, Bureau of Indian Standards Manak Bhavan, 9

Bahadur Shah Zafar Marg, New Delhi
3 Director, Institute of Preventive Medicine Narayanaguda,

Hyderabad
4 The Secretary, Government of Andhra Pradesh (Food and

Health) Administrative Department, Hyderabad. (R4 is

impleaded as per Court Order dated 30-9-2004 in
WPMP 12454 of 2001)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the notification of the first respondent herein bearing NO.GSR 760(E) Dt.29/09/2000 with respect to the insertion of Sub-Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and quash the same by issuance of a writ, direction or order, particularly one in the nature of certiorari.

Counsel for the Petitioners:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent Nos.3 & 4: G.P. for Medical Health & Family Welfaer

(16) WRIT PETITION NO : 7752 OF 2001

Between:

1 M/s. Chandra Aqua Mineralle Rep by its Proprietor Mada

Syamala devi W/o.Someswara Rao
3-D-9-3, Western street , Eluru-1
2 M/s.Krishna Grease Industries Rep by its Proprietor

K.S.G.N.S.V.Brahmayya S/o.Ramarao
9-1-27(2) Sarmagari Street Tanuku Road,

Tadepalligudem, W.G.Dist
3 Satya Mineral Waters Rep by its Managing Partner

Sri Bongiri Papa Rao S/o.Govinda Rao
Koyalagudem(Vill& Mandal) W.G.DIST.
4 Sahi Enterprises , Rep by its Managing Partner

P.Sundara Kumar S/o.Suguna Rao
Raja Rajeswarinagar, Chintalapudi Road Eluru ,

W.G.Dist.
5 Nava Priya Aqua Products rep by its Proprietor Konakala

Raja Rajeswari W/o.Janardhan Rao
18-102/A/5 , Koppaka Vari Veedhi , Tanuku, W.G.Dist

..... PETITIONER(S)

AND

1 Union of India rep by its Joint Secretary
Ministry of Health & Family welfare , New Delhi.

2 Director , Bureau of Indian Standards
Manak Bhavan , 9 Bahadur Shah Zafar Marg New Delhi.
3 Director Institute of Preventive Medicine
NarayanaGuda, Hyderabad.
4 The Secretary Govt of A.P
Food & Health Dept , Secretariat Hyderabad.

(R4 is impleaded as per court order 16-5-2001

in WPMP: 12455 of 2001.) **.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to call for the records relating to the Notification of the 1st respondent herein bearing No. G.S.R 760 (E) dt: 29-9-2000 with respect to insertion of sub-rule (28) to Rule 49 of prevention of Food & Adulteration Amendment (rules) 2000 and declare the same ultravires the statutory powers under the Act by issuance of a writ , direction or order particularly one in the nature of Mandamus and consequently direct the respondents not to insist upon the Certificate of Bureau of Indian Standard with respect to packaged drinking water.

Counsel for the Petitioners:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2:- MR.O.MANOHER REDDY

Counsel for Respondent Nos.3 & 4: G.P. for Medical, Health & Family Welfare

(17) WRIT PETITION NO : 8790 OF 2001

Between:-

1 M/s.Lakshmi Priya Health Care product Rep by its

Partner Ch.C.S.V.Prasad S/o.Satyanarayana
Golli Donka Road , Ithanagar Tenali.
2 Syed Iqbal Saheb Trading under the name and style of

Akram Aqua pure, D.No.2-32/1 , Anumallipet , Challa

Reddi Palem Via Vetapalem , Prakasam Dist.

..... PETITIONER(S)

AND

1 Union of India Rep by its Secretary
Ministry of Health and Family Welfare Dept of Health ,

Nirman Bhavan, New Delhi.
2 Bureau of Indian standards
Hyderabad Branch Office Satation Road , Nampally
Hyderabad.
3 Food(Health) Authority,
Under Prevention of Food Adulteration Act. Mediacl &

Health Services, A.P., Hyderabad **.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the impugned notifications in G.S.R No.202 (e) Dt: 21-3-2001 and G.S.R. No.759 (E) and G.S.R. No. 760(E) Dt.29-09-2000 issued by the Respondent No.1 bringing the Mineral water/packaged Drinking water under the definition of " Food" and compulsory Bureau of Indian standards Certification with effect from 29-3-2001 , as illegal , arbitrary , capricious and colorful exercise of power and also unjust and unwarranted and suffer from lack of inherent jurisdiction and also violative of Section 2 (v) and Clause (2) Section 23 of prevention of Food Adulteration Act and also violative of Articles 14 ,19 (1) (g) and 21 of the constitution of India and also ultra virus and unconstitutional and consequently to quash the said notifications and consequential instructions issued by the 2nd respondent in the form of a book let by way of Information of packaged water certification.

Counsel for the Petitioners:- MR.V.S.R.ANJANEYALU

Counsel for Respondent No.1: A. Rajasekhara Reddy, S.C. for C.G.

Counsel for the Respondent No. 2:- MR.O.MANOHER REDDY

Counsel for Respondent No.3: G.P. for Medical, Health & Family Welfare.(18)
WRIT PETITION No. 9196 OF 2001

Between:-

M/s. S.P. Corrugation Boxes Mineral water Unit Rep by its

Managing partner Tandava Krishna Murthy
No.37 & 38 , IDA Phase II, Kakinada.

..... PETITIONER

AND

1 The Gazetted Food Inspector, Kakinda, E.G.Dist.
2 The Govt of India Rep by its secretary
Ministry of health and Family Welfare Dept of Health,

New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned notice Dt:4-5-2001 issued by the 1st respondent directing the petitioner to stop manufacturing of mineral water/packaged drinking water basing on the impugned Notifications No.G.S.R. No.759 (E) & GSr 760(E), Dt:29-09-2000 issued by the Central Govt., which were impugned in W.P.No.5086/2001 and batch of writ petition without waiting for the result of the said writ petition as illegal, arbitrary, capricious , unwarranted , violative of Principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India and also violative of Sec.14 of the Bureau of Indian standards Act , 1986 and Consequently to set aside the same.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for Respondent No.1: G.P. for Medical Health & Family Welfare.

Counsel for the Respondent No.2:- Mr. A. Rajasekhara Reddy, S.C. for C.G.

(19) WRIT PETITION No.9200 OF 2001

Between:-

Sri Satya Sai Mineral Water Industries Rep by its Managing Partner
K.Purushotham.S/o.Kotaiah.
Mittagudem, Jaggayyapeta Mandal Krishna Dist.

..... PETITIONER

AND

1 The Asst Food Controller & Local Health Authority
Zone -II, Kakinada , E.G.Dist.
2 The Govt of India Rep by its Secretary
Ministry of Health and Family Welfare, Dept of health , New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Maybe pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notice dt: 3-5-2001 issued by the 1st respondent directing the petitioner to stop Manufacturing mineral water /packaged drinking water basing on the impugned notification No.G.S.R 759(E) and G.S.R.760 (E) Dt.29th September 2000 issued by the central Govt., which were impugned in writ petition No.5086/2001 and batch of writ petition without waiting for the result of the said writ petition as illegal, arbitrary, capricious unwarranted , violative of Principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India and also violative of Sec.14 of the Bureau of Indian Standards Act, 1986 and consequently to set aside the same and also to declare G.S.R.Nos.202(E), G.S.R.No.759(E) & 760(E) as illegal , arbitrary , capricious ultra virus , unconstitutional and violative of Section 2(v) of Prevention of Food Adulteration Act and consequently to set aside the same.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for Respondent No.1: G.P. for Medical Health & Family Welfare.

Counsel for the Respondent No.2: Mr. A. Rajasekhara Reddy, S.C. for C.G.

(20) WRIT PETITION NO : 9735 OF 2001

Between:

M/s. Srikanth Water Pvt Ltd

Rep by its Managing Partner Mr.Rajendra kumar Jain

S/o.Gital Jain, F-3, Adilaxmi Apts 1st floor ,

Temple Street, Kakinada

..... PETITIONER

AND

The Gazzetted Food Inspector, E.G.Dist, Kakinada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue any writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned notice dt: 4-5-2001 issued by the respondent received on 8-5-2001 directing the petitioner to stop manufacturing of mineral water /packaged drinking water basing on the impugned notifications No.G.S.R.759(E) and G.S.R 760(E) Dt: 29th September 2000 issue by the Central Govt., which were impugned in writ petition No.5086/2001 and batch of writ petitions without waiting for the result of the said writ petitions as illegal, arbitrary, capricious, unwarranted , violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India , and also violative of Sec 14 of the Bureau of Indian Standards Act 1986 and consequently to set aside the same.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent:- G.P. for Medical Health & Family Welfare.

(21) WRIT PETITION NO : 10096 OF 2001

Between:-

1 M/s.Godavari Crystal water Rep by its Proprietor

P.V.N.ramakrishna S/o. Venkata Vardharajulu
R/o.Palakol , W.G.Dist

2 M/s.Bhavani water Systems , rep by its Proprietor

Bhuvana Sundhara Reddy S/o.Jagannadha Reddy
R/o.Maruteru . W.G.dist

..... PETITIONER(S)

AND

1 Union of India Rep by its Secretary
Ministry of Health & Family welfare (Dept of Health)

Nirman Bhavan , New delhi.

2 The Bureau ofr Indian Standards Rep by its Director
Manak Bhavan , Bahadur Sha Zafar Marg , New Delhi.

3 Govt of A.P., Rep by its secretary
Health and Family Welfare Dept Secretariat , Hyderabad

4 The Director, Institute of Preventive Medicine , Public Health

Lab & food Health , Narayanaguda, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the notification issued by the 1st respondent Dt: 29-09-2000 where under the Mineral Water manufacturing units are brought under the purview of the 2nd respondent to obtain certification with effect from 29-3-2001 as illegal, arbitrary and unjust and set aside the said notification and for a consequential direction to drop all further proceedings against the petitioner in this regard.

Counsel for the Petitioner:- MR.N.SIVA REDDY

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2:- MR.O.MANOHER REDDY

Counsel for Respondent Nos.3 & 4:G.P. for Medical Health & Family Welfare

(22) WRIT PETITION NO : 10137 OF 2001

Between:-

1 Hitech Mineral water , N.S.S.Products Rep by its Prop

A.Srinu. s/o. Veerayya
R/o.Andhra ratna Road , GandhiNagar Vijayawada ,

Krishna Dist.

2 Crystal Pure Mineral water Kala Associates, Rep by

Managing partner N.Srinivas Rao,S/o.China Brahmaiah
R/o. Giri Street, Satyanarayanapuram, Vijayawada-8,

Krishna dist.

..... PETITIONER(S)

AND

The Local (Health) Authority
Vijayawada , Vijayawada municipal Corporation vijayawada , Krishna Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notices Dt: 7-5-2001 , served on 15-5-2001 issued by the respondent directing the petitioners to stop Manufacturing of Mineral water/Packaged drinking water, without B.I.S Certification pending writ petition No.5086/2001 and batch of writ petitions without waiting for the result of the

said writ petition as illegal, arbitrary , capricious , unwarranted , violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India , and also Violative of Sec.14 of the Bureau of Indian standards Act 1986 , and consequently to set aside the same.

Counsel for the Petitioners:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent:- MR.T.S.VENKATARAMANA, S.C. for V.M.C.

WRIT PETITION NO : 12817 OF 2001

Between:-

M/s. Sakthi Mineral Water Industry, Rep. by its Proprietor

R.Prasada Rao son of Venkata Rao
Tolusurupalle Village, Tekkali Mandal, Srikakulam Dist

..... PETITIONER

AND

1 Ministry of Health and Family of Welfare
Govt of India New Delhi,

Rep. by its Joint Secretary.

2 The Institute of Preventive Medicine, Narayanaguda ,

Hyderabad, Rep. by its Director (Inspecting authority).

3 Medical and Health Department,
Govt. of AP Secretariat , Hyderabad,

Rep. by its Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Writ of Mandamus or any other appropriate Writ or direction declaring the interim notification issued in notifications in G.S.R.No.202[E], Dated. 21/03/2001, & G.S.R.No.759[E] &GSR.No.76[E], Dated 29/09/2001 issued by the Ministry of Health and Family Welfare Dept, of Health , Govt., of India, New Delhi and the booklet issued by the 2nd respondent regarding information for packaged water certification on the basis of the aforesaid notification dt.29/09/2000 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner:- MR.A.RAMA RAO

Counsel for Respondent No.1: Smt. A.P. Lakshmi, Addl. S.C. for C.G.

Counsel for Respondent Nos.2 & 3: G.P. for Medical Health & Family Welfare

(24) WRIT PETITION No.12842 OF 2001

Between:-

M/s. Bobby Food Products, Rep. by its Proprietor

YedlapalliSimhadri Apparao son of Venkata Subba Rayudu
Chebrolu (Village), Unguturu Mandal West Godavari Dist
Pin 534 406.

..... PETITIONER

AND

Local Health Authority
Zone-II Kakinada, E.G.District Food (Health) Administration Department

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dated Nil issued by the Respondent received on 23/06/2001 directing the petitioner to stop Manufacturing of mineral Water/packaged drinking water without BIS Certification as illegal, arbitrary, capricious, unwarrants, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Article 19(g) and 21 of the Constitution of India, and also violative of sec. 14 of the Bureau of Indian Standards, Act, 1986, and consequently to set aside the same

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: GP for Medical Health & Family Welfare.

(25) WRIT PETITION NO : 13387 OF 2001

Between:-

1 Sri Balaji Drinks Inamadugu Village, Kovvur Mandal,

Nellore District, Rep. by its Proprietor A. Manohar Reddy

2 M/s. Pragada Enterprises Gadala, Korukonda Mandal,
East Godavari Dist., Rep. by its Managing Director

Ch.Annapurna, W/o Krishna Murthy

..... PETITIONER(S)

AND

1 Local Health Authority Medical Health Dept., Nellore,
Nellore Dist.
2 Food Inspector, Nellore Rural
Nellore Dist
3 Local Health Authority Food (Health) Administration

Department, Rajahmundry, East Godavari Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents in directing the petitioners to stop manufacturing of mineral water/packaged drinking water without BIS Certification even without issuing any notice as illegal, arbitrary, capricious, unwarranted and violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19 (g) and 21 of the Constitution of India, and also violative of sec. 14 of the Bureau of Indian Standards Act, 1986

Counsel for the Petitioners:- MR.K.CHIDAMBARAM

Counsel for Respondent Nos.1 to 3: G.P. for Medical Health & Family Welfare

(26) WRIT PETITION NO : 13531 OF 2001

Between:-

1 M/s.Satya Water Industries Rep.by its Managing Partner
D.No.8-373,Angalakuduru,Tenali [M] Guntur Dist.
2 Sri Madala Prasada Rao S/o.Venkata Ratnam
R/o.D.No.11-6-18,Movvavari Veedhi Pandurangapeta,Tenali

[M] Guntur Dist.

..... PETITIONER(S)

AND

The Local Health Authority Guntur
Guntur Dist Food (Health) Administrative Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the direction for the last two days without issuing any Notice in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-02-2001 & G.S.R. No.759(E) & G.S.R. No.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondents not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: G.P. for Medical Health & Family Welfare.

(27) WRIT PETITION NO : 13610 OF 2001

Between:-

1 M/s.K.R.Parvata Industries, Kathipudi, East Godavari

Dist Rep.by its Proprietrix
Parvata Satyavani W/o.Sri Purna Chandra Prasad
R/o.Sankavaram [Vill & Mandal] East Godavari Dist.

..... PETITIONER(S)

AND

Food Inspector East Godavari Dist

Division-II,Kakinada Food [Administration] Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice, dated 30-06-2001, in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.R No.759[E] & G.S.R. No.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: GP FOR MEDICAL HEALTH & FAMILY WELFARE

(28) <u>WRIT PETITION NO : 13623 OF 2001</u>

Between:

1 M/s. M.N.M. Industries

D.No.1-1-77,3-A,K.N.F.Road,Amalapuram, E.G.Dist.,

Rep. by its Managing Partners
Sri M.N.Murthy S/o.Satyanarayana Murthy
R/o.D.No.9-3-23,Garaparthivari Veedhi Amalapuram]PO &

Mandal East Godavari Dist.

..... PETITIONER(S)

<u>AND</u>

The Local Health Authority Amalapuram Municipality
Amalapuram, E.G.Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice, dated 02-07-2001 in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E] & G.S.R. No.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: Mr. E. Sambasiva Pratap.

(29) <u>WRIT PETITION NO : 13682 OF 2001</u>

Between:-

Krishna Acqua Mineral Industries Rep.by its Managing Partner
Santoshkumar Inani S/o.Sri Rampal Inani, aged-32,
R/o.H.No.4-5-309,Valmikinagar,Karimnagar,A.P.,
Karimnagar District.

..... PETITIONER

<u>AND</u>

Gazetted Food Inspector and Local (Health) Authority
Karimnagar District A.P.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, declaring the impugned Memo.No.275/KMR/2001, dt.2-5-2001 issued by the Respondent is unjust, illegal and unwarranted and also violative of fundamentals rights guaranteed under Article 19(g) and 21 of the Constitution of India and also violative of Section 14 of Bureau of Indian Standards Act, 1986 and consequently set aside the same.

Counsel for the Petitioner:- MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent:- GP FOR MEDICAL HEALTH & FAMILY WELFARE

(30) <u>WRIT PETITION NO : 13822 OF 2001</u>

Between:

1 M/s.Dasari Bottlings,Industrial Estates,Warangal,

Warangal District., Rep. by its Managing Partner
Dasari Sudheer kumar S/o.Narayana
R/o.D.No.11-12-1213, Telecom Colony L.B.Nagar
Warangal Warangal District.

..... PETITIONER(S)

AND

Local [Health] Authority Warangal Municipal Corporation
Food [Administrative] Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice, dated 02-05-2001 for the last two days without issuing any Notice in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.R No.759[E9] & G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA
Counsel for the Respondent: Mr. K. Venugopal Reddy.

(31) WRIT PETITION NO : 13827 OF 2001

Between:-

Akram Aqua Pure, Proprietor Syed.Iqbal Saheb

179/1,Challareddypalem Village Vetapalem Mandal,Prakasam District.

..... PETITIONER

AND

Gazetted Food Inspector And Local (Health) Authority
Ongole Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dated 23-04-2001 in spite of this Hon'ble Court grant stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E9] & G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- MR.V.S.R.ANJANEYALU

Counsel for the Respondent: GP FOR MEDICAL HEALTH & FAMILY WELFARE

(32) <u>WRIT PETITION NO : 14015 OF 2001</u>

Between:-

1 M/s.Kaveri Industries, Warangal, Warangal Dist.,

Rep.by its Proprietor Sri.B.Ravi Kumar S/o.Ranga Reddy
R/o.D.No.2-10-791,Vaddepalli X Road Subedari

Hanumakonda Warangal District.

..... PETITIONER

<u>AND</u>

Local [Helath] Authority Warangal Municipal Corporation
Food [Administrative] Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice, dated 02-05-2001 in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.R No.759[E] & G.S.R. No.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: K. Venugopal Reddy

(33) <u>WRIT PETITION NO : 14024 OF 2001</u>

Between:

1 M/s.Kamat Mineral Water Arthamuru,

Mandapet Mandal, Rep.by its Proprietrix
Smt.Karri Katyayani W/o.Paparayudu
R/o.Arthamuru (Vill) Mandapeta [Mandal]
E.G.Dist.

..... PETITIONER

<u>AND</u>

Assistant Food Controller & Local [Health] Authority E.G.Dist
Zone-II,Kakindada Food [Administration] Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dated 02-07-2001 in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E9] &

G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent No.: G.P. for Medical Health & Family Welfare.

(34) <u>WRIT PETITION NO : 14368 OF 2001</u>

Between:-

G.Chandra Shekar Reddy S/o.G.Damodar Reddy
Managing Partner of M/s.Sujal Industries
D.No.1-1/6,Prabathnagar, Hdyerabad.

..... PETITIONER

<u>AND</u>

1 Food Inspector and Local (Health) Authority Ranga Reddy

District, Narayanaguda Hyderabad
Institute of Preventive Medicine.

2 The Govt. of India, Ministry of Health and Family Welfare

Dept of Health, Rep. by its Secretary, New Delhi.

3 Bureau of Indian Standards, Hyderabad Branch Office
Station Road Nampally, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dt. nil, in proc.Rc.No.SPL/GFI/RRD/2001 issued by the Respondent No.1, in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E] & G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing

of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondent No.1 not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- MR.A. Venkata Krishna Reddy.

Counsel for the Respondent No.1:-GP for MEDICAL HEALTH & FAMILY WELFARE

Counsel for Respondent No.2: Mrs. A.P. Lakshmi, Addl. S.C. for C.G.

Counsel for Respondent No.3: Mr. O. Manohar Reddy

(35) WRIT PETITION NO : 14372 OF 2001

Between:-

1 M/s.Abhinesh Enterprises Rep.by its Proprietor
Hayatnagar,R.R.District.
2 Sri Ch.Ramaswamy Goud S/o.Sankaraiah
R/o.D.No.4-8-38/4,Near Swamy Sankar Theatre

Hayatnagar,Ranga Reddy District.

..... PETITIONER(S)

AND

Assistant Food Controller & Local [Helath] Autority

Hayatnagar,Ranga Reddy District
Food [Administration] Dept.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral direction for the last two days without issuing any Notice inspite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E] & G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondents not to insist for compulsory B.I.S. Certification for carrying on the Unit of

the Petitioner.

Counsel for the Petitioners:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent:- GP FOR Medial Health & Family Welfares

(36) <u>WRIT PETITION NO : 14626 OF 2001</u>

Between:

1 Pavitra Sai Industries, Rep.by its Managing Partner
B.C.Colony Shenagapuram Road
Mahaboobabad Warangal District.
2 Sri B.Srinivasa Rao S/o.B.Sudharshana
R/o.B.C.Colony,Shenagapuram Road Mahaboobabad
Waranagal District.

..... PETITIONER(S)

<u>AND</u>

Assistant Food Controller & Local [Health] Authority Warangal District Food [Administration] Department.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral direction for the last two days without issuing any Notice in spite of this Hon'ble Court granting stay of G.S.R.No.202[E] dated 21-03-2001 & G.S.Rno.759[E] & G.S.Rno.760[E], Dated 29-9-2000, in W.P.M.P.No.8925/2001, in W.P.No.7032/2001, dated 16-04-2001, directing the petitioner to stop Manufacturing of mineral water/packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19[g] and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act,1986 and consequently to direct the respondents not to insist for compulsory B.I.S. Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioners:- MR. PIDIKITISATYANARAYA

Counsel for the Respondent:-G.P. for MEDICAL HEALTH & FAMILY WELFARE

(37) <u>WRIT PETITION NO : 15209 OF 2001</u>

Between:

M/s.Acer Engineers (p) Limited., Rep.by its Managing Director Sri P.Srinivasa Rao, Plot.No.1263,Road.No.36,Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 The Union of India, Rep.by its Secretary to Govt.,
Department of Consumer Affairs Food & Public Distribution
Ministry of Consumer Affiars New Delhi.
2 The Union of India Rep.by its Secretary to Govt.,
Ministry of Health & Family Welfare New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Certiorari after calling for the records and quash Amendment No.3 to IS:14543; 1998 issued by the first respondent in so far as using the words "Colourless, transparent" of bottles and containers made of polyethylene conforming to IS: 10146 contained in Amendment No.3 to IS: 14543; 1998.

Counsel for the Petitioner:- MR.SKRISHNA MURTHY

Counsel for the Respondent No.: Mrs. N.HEMA RANGA REDDY ,

Addl. S.C. for C.G.

(38) WRIT PETITION NO : 15946 OF 2001

Between:

M/s.Sri Raghavendra Mineral Waters "KESARI",

3-5-892,Himayatnagar,Hyderabad
Rep.by its Managing Partner, Mrs.Naina Desai

W/o.D.G.Desai,Aged-45 years
R/o.Hyderabad.

..... PETITIONER

AND

1 Union of India, Rep. by its Joint Secretary, Ministry of

Health&Family Welfar
New Delhi.
2 Driector,Bureau of Indian Standards
Manak Bhavan 9 Bahadur Shah Zafar Marg
New Delhi.
3 Director, Instititute of Preventive Medicine
Narayanaguda Hyderabad.
4 Secretary,Govt of A.P Food & Health Department
Secretariat Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the first respondent herein bearing No.GSR 760/(E) dated 29-9-2000 with respect to the insertion of sub-rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and declare the same as ultravires the statutory powers of the Act by issuance of a writ, direction or order, particularly one in the nature of Mandamus and consequently direct the respondents not to insist upon the Certificate of Bureau of Indian Standard with respect to packaged drinking water.

Counsel for the Petitioner:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for the Respondent No.2 :- MR.O.MANOHER REDDY

Counsel for Respondent Nos.3 & 4: G.P. for Medical Health & Family Welfare.

(39) WRIT PETITION No.16783 OF 2001

Between:

M/s.Marvel Aqua Mineral (Pvt) .Ltd.,

Rep.by its C.E.O., M. Raghava Rao S/o. Venkateswerlu
Plot.No.174/IDA,Mallapur Hyderabad

..... PETITIONER

AND

1 The Government of A.P., Rep. by its Secretary
Department of Medical & Health Hyderabad.
2 Food Inspector,Krishna District
Machilipatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dated 25-7-2001 in FORM-VI u/s. 11(1) (a) r/w. Sec.14 of Prevention of Food Adulteration Act 1954 in response to the label declaration manufacturing July 2001 B.No.160 of petitioner as illegal, arbitrary, biased unconstitutional and against the principles of Indian justice and consequently to set aside the same.

Counsel for the Petitioner:- MR.D.S.N.V.PRASAD BABU

Counsel for Respondent Nos.1 & 2:GP for MEDICAL HEALTH & FAMILY WELFARE .

(40) WRIT PETITION NO : 17621 OF 2001

Between:-

1 Sri Venkateswara Industries, Rep.by its Proprietor Kilari

Krishnaiah Naidu
S/o.K.P.Naidu,age-47 years Gudipallipadu,Allipuram PO
Nellore (Rural) Nellore.
2 Sri Venkatasai Manikanta Water Industries, Rep.by its

Proprietor Sungapu Srinivasa Rao
S/o.Ramarao Age-35
V.LPuram Jn. Satyanarayanapeta,Rajahmundry.

..... PETITIONER(S)

AND

1 Local Health Authority, Nellore
Nellore District Food (Health) Administration Department.
2 Food Inspector
Nellore Rural Nellore Dist.
3 Local Health Authority
Rajahmundry.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in directing the petitioners to stop manufacturing of Mineral water/packaged drinking water without BIS Certification even without issuing any notice as illegal, arbitrary, capricious, unwarrante and violative of principles of natural justice and also violative and fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act, 1986.

Counsel for the Petitioner:- MR.K.CHIDAMBARAM

Counsel for Respondent Nos.1 to 3:GP FOR MEDICAL HEALTH & FAMILY WELFARE.

(41) <u>WRIT PETITION NO : 17826 OF 2001</u>

Between:-

TTK and Company Rep.by its Proprietor T.B.G.Tilak
S/o.T.D.Dass age-38 years
R/o.7-128/4,Satyanarayanapuram Tirupathi, Chittoor District.

..... PETITIONER

AND

1 Local Health Authority
Tirupathi,Chittoor District Food (Health) Administration

Department.
2 Food Inspector, Tirupathi Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents in directing the petitioner to stop manufacturing of mineral water/packed drinking water without BIS Certification even without issuing any notice as illegal, arbitrary, capricious, unwarranted and violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19(g) and 21 of the Constitution of India, and also violative of Sec.14 of the Bureau of Indian Standards Act, 1986.

Counsel for the Petitioner:- MR.K.CHIDAMBARAM

Counsel for Respondent Nos.1 & 2: G.P. for Medical Health & Family Welfare

(42) <u>WRIT PETITION NO : 18984 OF 2001</u>

Between:

Maruti Waters Pvt., Ltd.,

Rep. by its Managing Director

A. Gangagopal son of Gangaiah Chetty
D.No. 7/308, Holmespet, Proddutur, Cuddapah Dist Pin-516361

..... PETITIONER

<u>AND</u>

Assistant Food Controller Food (Health) Admn. Department,
Proddutur, Cuddapah Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral direction for the last two days i.e., 09/09/2001 without issuing any Notice in spite of this Honourable court granting stay of GSR.No.202[E], Dated. 21/03/2001, & GSR.No.759[E] &GSR.No.760[E], Dated 29/09/2000 in WPMP.No.8925/2001 in WP.NO. 7032/2001, dated. 16/04/2001 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principles of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India, and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent No.: G.P. for Medical Health & Family Welfare.

(43) <u>WRIT PETITION NO : 19084 OF 2001</u>

Between:-

M/s. Dynamic Beverages Khammam

Rep. by it's Managing Partner K. Satyanarayana

S/o. Ramachandriah a/a.40 years.

Occ:- Business R/o. Khammam.

..... PETITIONER

AND

1. The Govt., of India Ministry of Health and Family

Welfare, Department of Health rep. by it's Secretary (Health)

New Dehli.

2. The Gazetted Food Inspector Local (Health) Authority,

Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue4 any writ, Order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring impugned notice vide Rc.No.spl/GFI/KMM/2001 dated 18/08/2001, issued by respondent No.2 directing the petitioner to stop manufacturing of mineral water/packed drinking water without B.I.S. certificate pending writ petition No.5086/2001 and batch of writ petition without waiting for the result of the said writ petition as illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and violative of article 19(g) and 21 of the constitution of India and violative of Sec 14 of Bureau of India Standards Act,1986 and consequently to set aside the same.

Counsel for the Petitioner:- MR.D.JAIPAL REDDY

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: G.P. for Medical Health & Family Welfare.

(44) <u>WRIT PETITION NO : 19574 OF 2001</u>

Between:

Sri Krishnaveni Mineral Waters, Nandipadu Village,

Miryalaguda Mandal, Nalgonda District,

Rep. by its Partner D.Rami Reddy

Son of Ramanarasimha Reddy
R/o Reddy Colony, Miryalaguda, Nalgonda Dist.

..... PETITIONER

AND

Assistant food Controller Food (Health) Admn. Department,
Miryalaguda, Nalgonda Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral direction for the last two days i.e., 16/09/2001 without issuing any Notice in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.760[E], Dated 29/09/2000 in WPMP.No. 8925/2001 in WP.NO. 7032/2001, dated. 16/04/2001 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principles of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India, and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI,

Counsel for the Respondent: GP FOR MEDICAL HEALTH & FAMILY WELFARE

(45) WRIT PETITION NO : 20413 OF 2001

Between:-

M/s Thungabhadra Acqua Minerals (Pvt) Ltd, Dhone, Kurnool Dist., Rep., by its M.D.

Sri S.Yellaiah son of S.V. Ramanayya,
R/o. D.No.25/11, Gooty Road, Done, (M) Kurnool Dist

..... PETITIONER

AND

Assistant Food Controller, Food (Health) Admn. Department
Dhone, (M) Kurnool Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral direction for the last two days i.e., 26/09/2001 without issuing any Notice in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] & GSR.No.760[E], Dated 29/09/2001 in WPMP.No. 8925/2001 in WP.NO. 7032/2001, dated. 16/04/2001 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principles of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India , and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: G.P. for Medical Health & Family Welfare.

(46) WRIT PETITION NO : 20696 OF 2001

Between:-

M/s Tirumala Industries, Rep., by its Proprietor, Ch. Purna Chender Rao, son of Raja Mouli, Hindu, Male, aged about 39 years, R/o 11-24-343, Dasai pet Road, Warangal

..... PETITIONER

AND

Gazzeted Food Inspector, Waragal Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of Writ of Mandamus declaring impugned Notice dated. 30/07/2001 in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.760[E], Dated 29/09/2001 in WPMP.No. 8925/2001 in WP.NO. 7032/2001, dated. 16/04/2000 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principles of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India , and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BISC Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: GP FOR MEDICAL HEALTH & FAMILY WELFARE

(47) <u>WRIT PETITION NO : 20888 OF 2001</u>

Between:-

M/s. Nandini Acqua Products, Madanapalli,

Rep. by its Managing Director

B.Venugopala Reddy son of B.Vengala Reddy
M/s Nandini Acque Products, Madanapalle, R/o Mandanapalle Town, Chittoor Dist.

..... PETITIONER

<u>AND</u>

1 Joint Secretary , Ministry of Health and Family Welfare
Govt., of the India New Delhi
2 Director (Inspecting Authority)
Institute of Preventive Medicine Narayanaguda, Hyderabad
3 The Secretary Medcial and Health Department
Govt of AP., Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the interim notification issued in notifications in G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.76[E], Dated 29/09/2000 issued by the Ministry of Health and Family Welfare Department of Health, Government of India , New Delhi and the booklet issued by the 2nd respondent

regarding information for packaged water certification on the basis of the aforesaid notification dated. 29/09/2000 as illegal, arbitrary and without Jurisdiction.

Counsel for the Petitioner:- MR.T.NAGARJUNA REDDY

Counsel for Respondetn No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for the Respondent Nos.2 & 3: G.P. for Medical Health & Family Welfare

(48) WRIT PETITION NO : 1863 OF 2002

Between:-

M/s. Di-Amp Corporation, rep., by its Chief Executive, G.M.H. Prasad, S/o. Dr. Ghv. Sharma aged 44 years, H.No.1-1-336/19, Viveknagar, Chikkadpally, Hyderabad.

..... PETITIONER

AND

1. The Secretary, Ministry of Health and Family Welfare (Department of Health), Government of India, New Delhi.
2. The Secretary, Medical & Health, State of Andhra Pradesh, Secretariat, Hyderabad.
3. The Bearue of Indian Standards (BIS) Hyderabad Branch Office, Rep., by its Manager & Nampally, Station Road, Hyderabad.
4. The Director, Institute of Preventive Medicine (IPM), Narayanaguda, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus calling for the records relating to the impugned notification GSR No.759 (E) & GSR.NO.760 (E) dt.29/9/2000 issued by respondent No.1 and set-aside the same as being illegal, arbitrary and contrary to law,

Counsel for the Petitioner:- MR. V. Hari Haran.

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2 & 4: G.P. for Medical Health & Family Welfare

Counsel for the Respondent No.3: Mr. O. Manohar Reddy.

(49) WRIT PETITION No.2434 OF 2002

Between:-

M/s Prashanti Acqua Industries,

2/369, Chennakesavapuram, Dharmavaram,

Anantapur District,

Rep.by its Partner G.V.Rao, S/o.Seshagiri Rao,

aged 42 years.

..... PETITIONER

AND

1 Union of India, rep. by its Joint Secretary
Ministry of Health & Family Welfare, New Delhi.

2 Director, Bureau of Indian Standards Manak Bhavan, 9

Bahadur Shah Zafar Marg, New Delhi

3 Director, Institute of Preventive Medicine Narayanaguda,

Hyderabad

4 Secretary, Government of Andhra Pradesh Food & Health

Department, Secretariat, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the notification of the first respondent herein bearing NO.GSR 760(E) Dt.29/09/2000 with respect to the insertion of Sub-Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and declare the same as ultravires the statutory powers of the Act by issuance of a writ, direction or order, particularly one in the nature of mandamus and consequently direct the respondents herein not to insist upon the certificate of Bureau of Indian Standard with respect to packaged drinking water.

Counsel for the Petitioner:- MR. R.V. SUBBA RAO

Counsel for Respondent No.1: MR. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for Respondent Nos.3 & 4: G.P. for Medical Health & Family Welfare

(50) WRIT PETITION NO : 2665 OF 2002

Between:

Rangaswamy Acqua Minerals,

Rep. by its Proprietor G.L. Kalayathi W/o Ramesh
Factory-2/129, Takaripalem (V) Kanigiri Mandal,

Prakasam Dist

..... PETITIONER

AND

Food Inspector, Office of the Gazetted Food Inspector
& Local (Health) Authority, Brundavan Nagar,
Lambadi Donka, Ongole, Prakasam Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of Writ of Mandamus declaring impugned Notice dated. 29/01/2002 in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.760[E], Dated 29/09/2001 in WPMP.No. 8925/2001 in WP.NO. 7032/2001, dated. 16/04/2001 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principle of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India , and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for Respondent: GP FOR MEDICAL HEALTH & FAMILY WELFARE

(51) WRIT PETITION NO : 3910 OF 2002

Between:

M/s. Style Waters, Rep. by its Managing Partners

Mudiganti Sai Subbaramaiah S/o. Late Dr.M. Subba

Rangaiah Setty.

..... PETITIONER

AND

1 Joint Secretary, Ministry of Health & Family Welfare,
Union of India New Delhi
2 Director, Bureau of Indian Standards
Manak Bhavan , 9 Bahadur Shah Zafar Marg, New Delhi
3 Director, Institute of Preventive Medicine
Narayanaguda, Hyderabad
4 Secretary, Government of Andhra Pradesh Food & Health

Department , Secretariat, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the first Respondent herein bearing No. GSR 760[E] dated. 29/09/2000 with respect to the insertion of Sub Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and declare the same as ultra vires the statutory powers of the Act by issuance of a Writ, Direction or Order, particularly one in the nature of Mandamus and consequently direct the respondent herein not to insist upon the Certificate of Bureau of Indian Standard with respect to packaged drinking water

Counsel for the Petitioner:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: Mrs. A.P. Lakshmi, Addl. S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent Nos.3 &4:GP for MEDICAL HEALTH & FAMILY WELFARE

(52) WRIT PETITION NO : 4513 OF 2002

Between:-

M/s. Penganga Mineral Waters,

Rep. by its Partner B.Vijaya Kumar Reddy

S/o. B.Ganga Reddy,

MIG-77, III Phase, Housing Board Colony,

Battisavar Goan (Village), Near Ramnagar, N.H.7,

Adilabad (Mandal & District)-504 002

..... PETITIONER

AND

1 Joint Secretary, Ministry of Health & Family Welfare,
Union of India New Delhi
2 Director , Bureau of Indian Standards,
Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi
3 Director , Institute of Preventive Medicine
Narayanguda, Hyderabad
4 Secretary,Government of Andhra Pradesh Food & Helath

Deparment ,Secretariat, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the first Respondent herein bearing No. GSR 760[E] dated.29/09/2000 with respect to the insertion of sub Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and declare the same as ultravires the Statutory powers of the Act by issuance of a Writ, Direction or order, particularly one in the nature of Mandamus and consequently direct the respondents herein not to insist upon the Certificate of Bureau of Indian Standard with respect to packaged drinking water.

Counsel for the Petitioner:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: Mrs. A.P. Lakshmi, Addl. S.C. for C.G.

Counsel for Respondent No.2: MR.O.MANOHER REDDY

Counsel for Respondent Nos.3 & 4: G.P. for Medical Health & Family Welfare.

(53) WRIT PETITION NO : 6216 OF 2002

Between:

Bhagiradha Purifiers

Rep. by its Sole Proprietor B.Gouri Sankar

S/o. Koti Veeraiah
R/o Industrial Estate, Flat No. 11,

Narasaropet, Guntur Dist

..... PETITIONER

AND

1 Union of India,

Rep. by its Joint Secretary

Ministry of Health & Family Welfare
New Delhi.
2 The Director , Bureau of Indian Standards.
Manak Bhavan , 9 Bahadur Shah Zafar Marg. New Delhi
3 The Director , Institute of Preventive
Medicine, Narayanaguda., Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the 1st respondent bearing No. GSR 760 [E] dt. 29/09/2000 with respect to the insertion of sub Rule(28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) 2000 and quash the same by issuance of a Writ, directions or direction, particularly one in the nature of Certiorari.

Counsel for the Petitioner: -MR.V.V.N.NARASIMHAM

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for Respondent No.3:G.P. for MEDICAL HEALTH & FAMILY WELFARE

(54) <u>WRIT PETITION NO : 7307 OF 2002</u>

Between:

Triveni Mineral Water Plant,

Rep. by its Proprietor Gudugurala Srinivas

S/o. Mallaiah, R/o Nalogonda Dist.

..... PETITIONER

<u>AND</u>

1 Govt. of India, Ministry of Health & Family

Welfare, (Department of Health), New Delhi.
2 The Bureau of Indian Standards
Hyderabad Branch Office, Station Road, Nampally,

Hyderabad.
3 The Food Inspector Dn. II, Nalgonda, Nalgonda Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the impugned notices dt. Nil, served on 08/04/2002, issued by the Respondent No. 3 directing the petitioner to stop Manufacturing of Mineral Water/ Package drinking water, without B.I.S. Certification pending writ petition No. 5086/2001, and batch of Writ petitions without waiting for the result of the said writ petitions, as illegal, arbitrary capricious, unwarranted, violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19 (g) and 21 of the Constiutution of India, and also violative of sec.14 of the Bureau of Indian Standards Act 1986 and consequently to set aside the same

Counsel for the Petitioner :- SMT.N.SHOBA

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent No.3: G.P. for MEDICAL HEALTH & FAMILY WELFARE

(55) <u>WRIT PETITION NO : 7515 OF 2002</u>

Between:

Amrutha Drinking Water Suppliers,

Behind Vivek Vardhani College, Huzur Nagar,

Nalgonda Dist., Rep. by its Managing Partner

S.A. Rahim.

..... PETITIONER

<u>AND</u>

1 The Govt of India, Rep. by its Secretary,

Ministry of Health and Family Welfare,

Department of Health, New Delhi.

2 The State of A.P., Rep. by its Secretary,

Medical & Health Dept.,
Secretariat, Hyderabad

3 The Bureau of Indian Standard (BIS) Hyderabad Branch

Office, Nampally, Station Raod, Hyderabad
4 Food Inspector Divin-II , Nalgonda Dist.,
6-1-88, Vidyanagar, Nalgonda -I

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus calling for the records relating to the impugned notification in GSR.No. 759[E], 760[E], dt. 29/09/2000 and GSR.No. 202[E] dt. 21/03/2001 issued by the 1st respondent and set aside the same has been illegal, arbitrary and contrary to law

Counsel for the Petitioner:- MR.K.JITHENDER BABU

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2 & 4: G.P. for Medical Health & Family Welfare

Counsel for the Respondent No.3: Mr. O. Manohar Reddy

(56) <u>WRIT PETITION NO : 8529 OF 2002</u>

Between:

M/s. Dakshina Ganga Acqua Minerals,

5-169, Gandhinagar, Paloncha, Khammam District,

Rep. by its Proprietrix N.V.Vijaya Lakshmi W/o Syam Babu.

..... PETITIONER

<u>AND</u>

1 The Secretary Ministry of Health and Family Welfare

(Department of Health)
Govt of India New Delhi
2 Gazetted Food Inspector and Local (Health) Authority
Mamillaguadm ,Khammam Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of Writ of Mandamus declaring impugned Notice dt. 20/03/2002 in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.760[E], Dated 29/09/2000 in WPMP.No. 8925/2001 in WP.NO. 7032/2001, dated. 16/04/2001 directing the petitioner to stop Manufacturing of

mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principle of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India , and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner or

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA
Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.
Counsel for Respondent No.2: G.P. for Medical, Health & Family Welfare

(57) <u>WRIT PETITION NO : 8781 OF 2002</u>

Between:

M/s. Lohita Industries,

19/200; Bethavolu, Gudivada, Krishna District,

Rep. by its Proprietor Maradani Ramesh

S/o.Anjaneyulu,
Gudivada, Krishna Dist.

..... PETITIONER

<u>AND</u>

1. The Union of India, Rep. by its Joint Secretarary,

Ministry of Health & Family welfare, New Delhi.

2) Director, Bureau of Indian Standards,
Manak Bhavan , 9 Bahadur Shah Zaffar Marg, New Delhi
3 Director Institute of Preventive Medicine,
Narayanguda, Hyderabad
4 Secretary, Government of Andhra Pradesh Food & Health

Department Secretaritat, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the first respondent herein bearing No GSR 760[E] dated. 29/09/2000 with respect to the insertion of sub Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment (Rules) and declare the

same as ultra vires the statutory powers of the Act by issuance of a writ, Direction or orders, particularly one in the nature of Mandamus and consequently direct the respondent herein not to insist upon the Certificate of Bureau of Indian Standard with respect to packaged drinking water.

Counsel for the Petitioner:- MR.R.V.SUBBA RAO

Counsel for Respondent No.1: MR. A. RAJASHEKAR REDDY, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for Respondent Nos.3 and 4 : G.P. for Medical Health & Family Welfare.

(58) <u>WRIT PETITION NO : 9642 OF 2002</u>

Between:

M/s. Sri Anjali Beverages,

Plot No.5, New Patrika colony,

Ajithsinghnagar, Vijayawada-15,

Rep. by its Managing Partner K.V.M. Krishna

..... PETITIONER

<u>AND</u>

1 The Union of India,

Rep. by its Joint Secretary,

Ministry of Health and Family Welfare,
Union of India, New Delhi.

2 Director, Bureau of Indian Standards
Manak Bhavan, 9Bahadur Shah Zafar Marg New Delhi

3 Driector Institute of Preventive Medicare,
Narayanaguda, hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Notification of the first respondent herein bearing No GSR 760[E] dated. 29/09/2000 with respect to the insertion of sub Rule (28) to Rule 49 of Prevention of Food & Adulteration Amendment Rules 2000 and quash the same by issuance of a writ, Direction or orders, particularly one in the nature of Certiorari

Counsel for the Petitioner:- MR.T.PRADYUMNA KUMAR REDDY

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent No.3:G.P. for MEDICAL HEALTH & FAMILY WELFARE

(59) <u>WRIT PETITION NO : 9733 OF 2002</u>

Between:

Sri Venkateswara Beverages,

Rep. by its Managing Partner

L.V.Prasad son of Ramaih
Munagala (V) Munagala Mandal, Nalgonda Dt.

..... PETITIONER

AND

1 The Secretary Ministry of Helath and Family Welfare

(Department of Health) Govt of India New Delhi
2 The Food Inspector Division No. II Nalgonda Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring impugned Notice dated. 20/05/2002 in spite of this Honourable court granting stay of G.S.R.No. 202[E], Dated. 21/03/2001, & G.S.R.No. 759[E] &GSR.No.760[E], Dated 29/09/2000 directing the petitioner to stop Manufacturing of mineral water/ packaged drinking water without B.I.S. Certification as illegal, arbitrary, capricious unwarranted, violative of principle of Natural justice and also violative of the fundamental rights guaranteed under Article 19[g] and 21 of the Constitution of India , and also violative of Sec. 14 of the Bureau of Indian Standards Act, 1986, and consequently to direct the Respondent not to insist for compulsory BIS Certification for carrying on the Unit of the Petitioner.

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for Respondent No.1: Mrs. A.P. Lakshmi, Addl. S.C. for C.G.

Counsel for Respondent No.2: G.P. for Medical, Health & Family Welfare.

(60) <u>WRIT PETITION NO : 12850 OF 2002</u>

Between:-

1. Kavya Pure Waters, Srirangapuram (V) Kodad Mandal, Nalgonda District,

rep., by Proprietor, L.Sivakumar.

2. Kwality Pure Drinking Water, Khammam Road, Kodad, Nalgonda District

rep., by Managing Partner, Nadendla Kranti Kumar.

..... PETITIONERS

AND

1. Government of India rep., by its Secretary, Ministry of health Family Welfare, Department of Health, New Delhi.
2. State of A.P., rep., by its Secretary, Medical & Health Dept., Secretariat, Hyderabad.
3. The Bearu of India Standards (B.I.S.) Hyderabad Branch Office, Nampally, Station Road, Hyderabad.
4. Food Inspector, Division No.II, Nalgonda District, 6-1-89, Vidyanagar, Nalgonda-1.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly in the nature of Mandamus calling for the records relating to the impugned notifications in GSR.No.759(E), 760(E) dt.29-9-2000 and GSR.No./202(E) dt.21/3/2001 issued by the 1st respondent herein and set aside the same as being illegal, arbitrary and contrary to law,

Counsel for the Petitioner:- MR.K.JITHENDER BABU

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2 & 4:G.P. for Medical, Health & Family Welfare.

(61) <u>WRIT PETITION NO : 15265 OF 2002</u>

Between:-

M/s.Tirumala Springs, A registered partnership firm,

rep. by its Managing Partner Mr. T.Surender Reddy,

Khammam Road, Kodad (V & M), Nalgonda District (A.P.).

.... PETITIONER

AND

1. The Government of India, rep., by its Secretary, Ministry of health and Family Welfare, (Dept., of Health), New Delhi.
2. The State of Andhra Pradesh

   Rep., by its Secretary, Medical & Health,

   Secretariat, Hyderabad.
3. The Bureau of Indian Standards (BIS),

   Hyderabad Branch Office, Nampally Station Road, Hyd.

4. The Director,

The Institute of Preventive Medicine,

Public Health Labs & Food (Health) Admn.,

Narayanguda, Hyderabad.

4. The Food Inspector, Division – II,

   Office of the Food Inspectors,

   Nalgonda District,

   D.No.6-1-88, Vidyanagar, Nalgonda-508 001.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the impugned notification in GSR.No.759 (E), 760 (E), dated 29-9-2000, issued by Respondent No.1 and set aside the same as being illegal, arbitrary and contrary to law.

Counsel for the Petitioner:- MR. POTTIGARI SRIDHAR REDDY

Counsel for Respondent No.1: Mr. N. Parameswara Reddy, Addl. S.C. for C.G.

Counsel for Respondent No.3: Mr. O. Manohar Reddy.

Counsel for Respondent No.2, 4 & 5: G.P. for Medical, Health & Family Welfare.

(62) <u>WRIT PETITION NO : 2679 OF 2003</u>

Between:

M/s. Bhagvan Bottlings,

rep by its Proprietor Mr. T. Satyanarayana Murthy

S/o. T. Jagannadham,
Plot No. 22, Industrial Estate,

Maddurupadu Kavali Post & Mandal, Nellore District.

..... PETITIONER

AND

1 Government of India, rep by its Secretary, Ministry of

Health & Family
welfare Department of Health, New Delhi
2 Government of Andhra Pradesh, rep by its Secretary,

Medical and Health Department
A.P. Secretariat, Secratariat Buildings, Saifabad, Hyderabad
3 The Bureau of Indian Standard (BIS), Hyderabad Branch,

Nampally Station, Road, Hyderabad
4 the General Manager, District Industries Centre,
Nellore, Nellore District
5 The District Collector, Nellore District Nellore
6 Superintendent of Police, Nellore, Nellore District,.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly a Writ of Mandamus, declaring the action of the authorities in issuing Notification in GSR No. 759(E), 760(E) dt 29-9-2000 and GSR No. 202(E), dt 21-3-2001 of the 1st respondent and consequential notice issued by the 4th respondent vide notice No. 1436/B/2002, dated 18-11-2002, as arbitrary, illegal, unjust, contrary to law, without the authority of law and issue consequential directions to the respondents not to insist upon any Certificate from Bureau of India Standards for Manufacture/service and sale of purified drinking Water, pending disposal of the above writ petition

Counsel for the Petitioner: MR. RAVI SHANKAR JANDHYALA

Counsel for Respondent No.1: MR.A. RAJASHEKAR REDDY, S.C. for C.G.

Counsel for Respondent No.2, 4, 5 & 6: G.P. for Medical, Health & Family Welfare

Counsel for Respondent No.3: Mr. O. Manohar Reddy.(63) WRIT PETITION NO : 9024 OF 2003

Between:

M/s. Pushpa Mineral Water, 4-102, Kurumaddali Village,
Pamarru Mandal, Krishna District
Rep.by its Proprietor V.Surya Prakashrao

..... PETITIONER

AND

1 Local Health Authority, Food (Health) Administration

Department Machilipatnam, Krishna District.
2 The Food Inspector,
Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents in directing the petitioner on 03.05.2003 to stop manufacturing of mineral water/packaged drinking water without B.I.S. certification even without issuing any notice as illegal, arbitrary, capricious, unwarranted and violative of principles of natural justice and also violative of the fundamental rights guaranteed under Articles 19 (g) and 21 of the Constitution of India, and also violative of Section 14 of the Bureau of Indian Standards Act, 1986.

Counsel for the Petitioner:- MR.K.CHIDAMBARAM

Counsel for Respondents: G.P. for MEDICAL HEALTH & FAMILY WELFARE

(64) WRIT PETITION NO : 13855 of 2003

Between:

M/s. Aqua Life Line, a Partnership firm
rep. by its Managing Partner M. Ravinder S/o. Bheemaiah
R/o. Manchiryal Adilabad District

..... PETITIONER

AND

1 Union of India rep. by its Joint Secretary,
Ministry of Health and Family Welfare New Delhi
2 Secretary, Government of Andhra Pradesh Food and Health

Department Secretariat, Hyderabad
3 Food Inspector, Division-II, Government of AP,
Adilabad District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, direction more particularly one in the nature of writ of mandamus declaring the action of the first respondent in issuing Notification No. GSR No. 760 dated 29th September 2000 purporting to amend the Food Adulteration Rules, 1955 by inserting sub Rule (28) to Rule 49 as illegal, ultravires and unconstitutional and consequently quash the same.

Counsel for the Petitioner:- MR.S.NIRANJAN REDDY

Counsel for Respondent No.1: Mr. Kante Narahari, Addl. S.C. for C.G.

Counsel for Respondent Nos.2 & 3: G.P. for Medical, Health & Family Welfare

(65) WRIT PETITION NO : 13907 of 2003

Between:-

M/s Godavari Aqua Mineral

rep.by its Proprietory concern
K.Santosh Kumar, s/o Shankaraiah

R/o Manchiryal., Adilabad District.

..... PETITIONER

AND

1 Union of India, rep.by its Joint Secretary,

Ministry of Medical Health and Family Welfare, New Delhi.
2 Secretary., Government of Andhra Pradesh Food and Health

Department., Secretariat, Hyderabad.
3 Food Inspector., Division-II, Govt.of A.P.,Adilabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in issuing Notification No.GSR No.750 dated 29th September 2000 purporting to amend the Food Adulteration Rules., 1955 by inserting Sub Rule (28) to Rule 49 as illegal, ultra vires and unconstitutional and consequently set aside the same.

Counsel for the Petitioner: MR.S. NIRANJAN REDDY

Counsel for Respondent No.1: Mr. Kanti Narahari, Addl. S.C. for C.G.

Counsel for Respondent Nos.2 & 3: G.P. for MEDICAL HEALTH & FAMILY WELFARE

(66) WRIT PETITION NO : 14633 OF 2003

Between:

M/s. Sri Ganga Sai Foods & Beverages, represented by its Proprietor
O. Narasing Rao, S/o. Narasaiah, Hindu, Male, aged about 45 yrs,
R/o. H.No. 11-1-1661, Kanteswar, Nizamabad, Nizamabad District

..... PETITIONER

AND

Municipal Health Officer, Nizamabad Municipality,
Nizamabad Town, Nizamabad District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned Order dated 6-05-2003 as illegal, arbitrary, capricious and unwarranted, violative of principles of Natural Justice, violative of Fundamental Rights i.e., Articles 19 (1) (g) & 21 of the Constitution of India and also violative Section 14 of Bureau Indian standards of Act 1986 and consequently to set aside the same

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: Mr. R. Thimma Reddy, S.C. for Municipalities.

(67) WRIT PETITION NO : 16562 OF 2003

Between:

Baba Good Choice Mineral Water

c/o M/s Sai Krishna Aqua Industries.,
rep.by its Proprietor Sri.C.V.Ramesh

s/o Sriramulu, aged about 30 years

R/o D.No.1/177, B.C.Colony Lingala Dinne Village

Mydukur Mandal., Cuddapah District.

..... PETITIONER

AND

Gazetted Food Inspector & Local Health Authority., Office of the Assistant Food Controler., Zone-IV, 7/380 - A., Bagyanagar Colony., Cuddapah

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Impugned Notice in R.C.No.123/G.F.I./KDP/2003, dated 1-08-2003 issued by the respondent as illegal, arbitrary, capricious and unwarranted, violative of Principles of Natural Justice, Violative of Fundamental Rights i.e., Articles 19(1)(g) & 21 of the Constitution of India and also violative of Section 14 of Bureau Indian Standards of Act 1986 and consequently to set-aside the same

Counsel for the Petitioner:- SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: G.P. for Medical, Health & Family Welfare.

(68) WRIT PETITION NO : 17247 OF 2003

Between:

M/s.Andhra Pradesh Packaged Drinking Water Manufacturers Association, Plot No.1263, Road No.36, Jubilee Hills, Hyderabad,
rep.by its Joint Secretary Sri P.Srinivasa Rao

..... PETITIONER

AND

1 The Union of India, rep.by the Secretary to Government

Department of Consumer Affairs, Food & Public Distribution
Ministry of Consumer Affairs New Delhi.
2 The Union of India, rep.by the Secretary to Govt.
Ministry of Health & Family Welfare New Delhi
3 Bureau of India Standards Manak Bhavan, No.9,
Bahudur Sha Zagar Marg, New Delhi-110 002.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Certiorari after calling for the records and quash amendment No.3 to IS:14543:1998 issued by the first respondent in so far as using the words "Colourless, Transparent" of bottles and containers made of polyethylene conforming to IS:10146 contained in Amendment No.3 to IS:14543:1998.

Counsel for the Petitioner:- MR.S. KRISHNA MURTHY

Counsel for Respondent Nos.1 & 2: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.3: Mr. O. Manohar Reddy.(69) <u>WRIT PETITION NO : 19756 of 2003</u>

Between:

Balaji Exports & Packaged Drinking Water

Near Govt. Hospital Main Road, Kovvur, Nellore Dist.,

Rep. by its Managing Partner Gatti Hanumantha Rao,

S/o Narayanaiah,R/o 2-10-38, Opp:Police Line,

Kovvur, Nellore Dist.,

..... PETITIONER

<u>AND</u>

The Gazetted Food Inspector, 2611/2403,

Vedayapalem, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of

mandamus declaring the impugned Notice in No.66/NLR/02 dated 04-09-2003 issued by the respondent as illegal, arbitrary, capricious and unwarranted, violative of principles of natural justice, violative of fundamental rights i.e., Articles 19(1)(g) & 21 of the Constitution of India and also violative of section 14 of Bureau Indian Standards of Act 1986 and consequently to set aside the same

Counsel for the Petitioner: -SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: G.P. for Medical, Health & Family Welfare.

(70) PETITION NO : 2678 OF 2003

Between:-

M/s.Nagarjuna Natural Mineral Water

Rep. by its Proprietor K. Vijay S/o. Subbaiah,

Plot No.218, Maddurupadu,
Kavali Post & Mandal, Nellore District.

..... PETITIONER

AND

1 Government of India, Rep. by its Secretary.,

Ministry of Health & Family Welfare
Department of Health., New Delhi.

2 Government of A.P., Rep. by its Secretary.,

Medical & Health Department.,
A.P. Secretariat, Secretariat Bldgs., Saifabad., Hyderabad.

3 Bureau of Indian Standard Hyderabad Branch, Nampally Station

Road, Hyderabad.

4 General Manager., District Industries Centre., Nellore
Nellore District.

5 District Collector., Nellore District., Nellore.

6 Superintendent of Police., Nellore District., Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the authorities in issuing Notification in GSR No.759(E), 760(E), dt.29-9-2000 and GSR No.202(E), dt.21-3-2001 of the Ist respondent and consequential notice issued by the 4th respondent vide Notice No.1436/B/2002, dated 18-11-2002, as arbitrary, illegal ,unjust, contrary to law, without the authority of

law and issue consequential directions to the respondents not to insist upon any certificate from Bureau of Indian Standards for the manufacture/service and sale of purified drinking water.

Counsel for the Petitioner :- MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2, 4, 5 & 6: G.P. for Medical, Health & Family Welfare

Counsel for Respondent No.3: Mr. O. Manohar Reddy.(71) WRIT PETITION NO : 3709 OF 2003

Between:-

1. Sri Kwality Acqua Industries, rep., by its Managing Partner, Smt. Gudida Bhagyalaxmi, W/o. Srinivas Rao, Aged about26 years, R/o. 5-1-170, Kaviraj Ngar, Khammam.
2. Sri Kawality Pure Drinking Water rep., by its Managing Partner, Kilar Vittal Ganesh, S/o. Late Suryanarayana, aged abnout 42 years, R/o. Opp: Forest Office, Lakshmidevipally, Kothagudem, Khammam.

..... PETITIONERS

AND

1. Government of India rep. By its Secretary, Ministry of health & Family Welfare, Department of Health, New Delhi.
2. Government of Andhra Pradesh rep., by its secretary, Medical and Health Department, A.P. Secretariat, Secretariat Bldgs., Saifabad, Hyderabad.
3. The Bureau of Indian Standard (BIS), Hyderabad Branch, Nampally Station Road, Hyderabad.
4. Food Inspection Division, Khammam.
5. District Collector, Khammam.
6. Superintendent of Police, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, or direction, more particularly in the nature of writ of Mandamus, declaring the action of the authorities in issuing Notification in GSR.No.759(E), 760 (E) dt.29/9/2000 and GSR No.202 (E) dt.21/03/2001 of the 1st Respondent and consequential notice issued by the Food Inspector vide

No.2/GFI/NLG/2002 dt.23/09/2002, as arbitrary, illegal unjust, contrary to law, without the authority of law and issue consequential directions to the Respondents not to insist upon any certificate from the Bureau of Indian Standards for the manufacture/service and sale of purified drinking water pending disposal of the above writ petition.

Counsel for the Petitioner :- MR.L.RAVICHANDER

Counsel for Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for Respondent Nos.2, 4, 5 & 6: G.P. for Medical, Health & Family Welfare.

Counsel for Respondent No.3: Mr. O. Manohar Reddy. **WRIT PETITION NO : 11417 OF 2003**

Between:

M/s.Sri Ram Purified Drinking Water, reptd.by its Proprietor,
Khatroju Vittalaiah, S/o.Sathaiah, Opp: Bus Stand,
Thippapoor(v),Vemulawada (M), Karimnagar Dist.

..... PETITIONER

AND

1 The Govt.of India,
Ministry of Health and Family Welfare, Dept.of Health,
New Delhi, Rep. by its Secretary.
2 The State of A.P.,Medical & Health, represented by its Secretary,
Secretariat Buildings, Hyderabad.
3 B.I.S. Hyderabad Branch Office,
Nampally Station Road, Hyderabad.
4 Institute of Preventive Medicine, rep.by its Director,
Narayanaguda, Hyderabad.
5 Food Inspector, Division-III, Local Health Authority,
Karimnagar Dist. Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the notice issued by the respondent No.5 dt.31-5-2003 and the impugned notifications in GSR No.202(E) dt.21-3-2001 and GSR 759(E) and GSR 760 (E) both dt.29-9-2001 issued by the respondent No.1 bringing the Mineral water/packaged Drinking water units under the definition of 'Food' and compulsory certifications from respondent No.3 with effect from 29-3-2001 as illegal, null and void and violative of principles of natural justice as the respondent No.1 has no jurisdiction as the same is in violative of Section 2(V) and clause (2) of Section 23 of prevention of Food

Adulteration Act and Articles 14,19(g) and 21 of the Constitution of India and consequently to set aside the said notice and notifications together with instructions issued by the respondent No.3.

Counsel for the Petitioner:- MR.M.A.BARI

Counsel for the Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent Nos.2, 4 & 5: G.P. for Medical, Health & Family Welfare

Counsel for Respondent No.5: Mr. O. Manohar Reddy.

(73) WRIT PETITION NO : 21348 OF 2003

Between:

M/s. Balaji Beverages,
New Building, Kummarigunta Venkatagiri
Nellore District,

Rep. by its proprietor A. Linga Murthy,

..... petitioner

And

1 The Govt. of India, Rep. by its Secretary
Ministry of Health & Family Welfare Dept. of Health
New Delhi
2 Govt. of A.P., rep by its Secretary
Medical & Health Dept., A.P. Secretariat,

Secretariat Buildings, Saifabad,s Hyderabad.
3 The Bureau of Indian Standards(BIS) Hyderabd Branch,
Nampally Station Road, Hyderabad.

4 Food Inspector, Nellore,
O/o 26II 2403, vedayapalem nellore-4
nellore district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in nature of writ of mandamus, declaring the action of the respondents in issuing the Notification No.G.S.R.NO.759 (E) and G.S.R. 760 (E), dt 29-09-2000 issued by the 1st respondent and its consequential proceedings RC.NO.SPL/NLR/DIII/03 dt.20-09-2003 issued by the 4th respondent, as highly illegal, arbitrary and contrary to law and set aside the same and consequently direct the respondents not to insist for certificate from the

Bureau of India standard for manufacturing and selling of packaged drinking water/ mineral water and pass such

Counsel for the Petitioner:- MR. N.M.KRISHNAIAH

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy, S.C. for C.G.

Counsel for the Respondent No.3: MR.O.MANOHER REDDY

Counsel for Respondent Nos.2 & 4: G.P. for Medical, Health & Family Welfare

(74) WRIT PETITION NO : 3192 OF 2004

Between:

Sri Amrutha Mineral Water Industry,

Kadiyam Village & Mandal, East Godavari District,

Rep. by its Proprietor K.P.N. Murthy

..... PETITIONER

AND

1 The Union of India, rep by its Joint Secretary, Ministry of Health &

Family Welfare, New Delhi

2 The Director, Bureau of Indian Standards, Manak Bhavan, 9

Bahadur Shah Zafar Marg. New Delhi

3 The Secretary, Govt of A.P., (Food & Health Dept.) Secretariat,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification of the 1st respondent herein bearing No: GSR/760 (E), dt 29-9-2000with respect to the insertion of sub-rule (28) to Rule 49 of Prevention of Food Adulteration Amendment (Rules) 2000 and declare the same as ultra vires the statutory powers of the Act as illegal, arbitrary and unconstitutional and consequently direct the respondents not to insist upon the Certificate of Bureau of Indian Standards with respect to packaged drinking water

Counsel for the Petitioner:- MR.K.VENKATESH

Counsel for Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent No.3: G.P. for Medical, Health & Family Welfare.

(75) **WRIT PETITION NO : 11372 OF 2004**

Between:

M/s. M.R.D. Industries,

Manufacturers of Packeed Driniking Water,

D.No.22C-14-2, Punyamurthulavari Street,

Powerpet, Eluru, W.G. District,

Rep. by its Prop. M. Dhananjaya Rao.

..... PETITIONER

AND

1 The Union of India, rep by its Joint Secretary,

Ministry of Health & Family Welfare, New Delhi.

2 The Director, Bureau of Indian Standards, Manak Bhavan, 9

Bahadur Shah Zafar Marg, New Delhi

3 The Secretary, Govt. of A.P., (Food & Health Dept.) Secretariat,

Hyderabad

4. The Gazetted Food Inspector, W.G. District, Eluru.

5. The Director, Institute of Preventive Medicine,

Narayanguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification of the 1st respondent herein bearing No: GSR/760 (E), dt 29-9-2000 with respect to the insertion of sub-rule (28) to Rule 49 of Prevention of Food Adulteration Amendment (Rules) 2000 and declare the same as ultra vires the statutory powers of the Act as illegal, arbitrary and unconstitutional and consequently direct the respondents not to insist upon the Certificate of Bureau

of Indian Standards with respect to packaged drinking water.

Counsel for the Petitioner:- MR.K.VENKATESH

Counsel for Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for Respondent No.2: Mr. O. Manohar Reddy

Counsel for Respondent No.3, 4 & 5: G.P. for Medical, Health & Family Welfare.

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(76) <u>WRIT PETITION NO : 12914 OF 2004</u>

Between:

Aqua Happy, (Surya Industries),

Rep. by its Proprietor Smt. Vemulapalli Himabindu,
W/o. Prakash Rao, Occ: Business, R/o D4-19, Industrial Estate, Chintada
Telephone Exchange Road, Srikakulam

..... PETITIONER

<u>AND</u>

1 The Govt. of India, rep. by its Secretary, Ministry of Health &

Family Welfare, Department of Health, New Delhi.
2 The District Collector, Srikakulam District, Collectorate.
3 Gazetted Food Inspector, Srikakulam District.
4 The Superintendent of Police, Srikakulam District.
5 The Beauro of Indian Standards (BIS), Hyderabad Br, Nampally

Station Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of mandamus declaring the impugned action of the respondents insisting the compliance of notifications in G.S.R. No. 759 (E) & 760 (E) dt. 29--9-2000 and G.S.R.No. 202 (E) dt. 21-3-2001 of the first respondent as arbitrary, illegal, discriminatory and without authority of law besides violative of Articles 14, 16, 19 , 21 of the Constitution of India and principles of natural justice and consequently direct the respondents not to insist upon issuance of any certificate from 5th respondent for manufacture, service/sale of purified drinking water through S.S.I. units like the petitioner herein

Counsel for the Petitioner:- MR.M. PRAVEEN KUMAR

Counsel for the Respondent No.1:- MR.ARAJASHEKAR REDDY

(SC FOR CG)

Counsel for Respondent Nos.2 to 4: G.P. for Medical, Health & Family Welfare.

Counsel for Respondent No.5: Mr. O. Manohar Reddy.(77) <u>WRIT PETITION NO : 13232 OF 2004</u>

Between:

M/s. Pooja Water, rep.by prop.K.V.L.Mohan Rao

S/o.K.Somaiah,R/o.Kuchipudi Lokulu (V), Tenali (M),

Guntur.

..... PETITIONER

<u>AND</u>

1 Govt. of India, rep. by its Secretary,

Ministry of Health & Family Welfare, Dept. of Health,

New Delhi.

2 Govt. of A.P., Rep. by its Secretary, Medical and Health

Dept., Secretariat, Secretariat Buildings,

Saifabad, Hyderabad, A.P.

3 Bureau of Indian Standards (BIS),

Hyderabad Branch, Nampally Station Road, Hyderabad.

4 Director, Institute of preventive Medicine,

Food Health Authority,

P.H. Labs & Food Health Administration,

Narayanaguda, Hyderabad - 29,A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ of Mandamus, declaring the action of the authorities in issuing notification in GSR No.759(E), 760(E), dated 29-9-2000 and consequential steps to be taken by the fourth respondent basing on the analysis report dt.2nd June 2004 as illegal, unjust, contrary to law without the authority of law and issue Consequential directions to the respondents not to insist upon any certification of Bureau of Indian standards for the manufacture/service and sale of purified drinking water, pending disposal of the above writ petition.

Counsel for the Petitioner:- Mrs. B.KAVITHA YADAV

Counsel for Respondent No.1:- MR. A. RAJASHEKAR REDDY S.C. for C.G.

Counsel for Respondent Nos.2 & 4: G.P. for Medical, Health & Family Welfare

Counsel for Respondent No.3: Mr. O. Manohar Reddy.

(78) <u>WRIT PETITION NO : 14723 OF 2004</u>

Between:

Bhaskar Industries, Jonnada, Alamur Mandal, East Godavari District
rep.by its Proprietor Goluguri Bhaskar Reddy, S/o G.K.Reddy, aged 40 years, R/o Jonnada, Alamur Mandal, East Godavari District

..... PETITIONER

<u>AND</u>

1 Government of India rep.by its Joint Secretary,
Ministry of Health and Family Welfare, New Delhi
2 The Director, Bureau of Indian Standards, Manak Bhavan
9 Bahadur Sahzaffar marg, New Delhi
3 Secretary, Government of Andhra Pradesh, Food and Health

Department, Secretariat, Hyderabad

4 Gazetted Food Inspector, East Godavari District, Kakinada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the interim notification issued in notifications in G.S.R.No.202 (E) dated 21-3-2001 and G.S.R. 759 (E) and G.S.R. 76 (E) dated 29-09-2000 issued by the Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi and the booklet issued by the 2nd respondent regarding information for packaged water certification on the basis of the aforesaid notification dated 29-9-2000 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.B.S.SHIVAJI

Counsel for Respondent No.1:- MR.A. Rajasekhara Reddy, S.C. for C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for Respondent Nos.3 & 4: G.P. for Medical Health & Family Welfare

(79) WRIT PETITION NO : 14729 OF 2004

Between:

Sri Veera Venkata Satyanarayana Mineral Water Industries, Kutukaluru, Anaparthi Mandal, East Godavari District
rep.by its Proprietor Smt Medapati Adilaxmi, W/o Venkata Reddy, aged 40 years, R/o Kutukaluru, Anaparthi Mandal,

East Godavari District.

..... PETITIONER

AND

1 Government of India, rep.by its Joint Secretary,
Ministry of Health and Family Welfare, New Delhi
2 The Director, Bureau of Indian Standards, Manak Bhavan, 9

Bahadur Shazaffar Marg, New Delhi
3 Secretary, Government of Andhra pradesh, Food and Health

Department, Secretariat, Hyderabad
4 Gazetted Food Inspector, East Godavari District, Kakinada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue writ of Mandamus or any other appropriate Writ or direction declaring the interim notification issued in notifications in G.S.R.No.202 (E) dated 21-3-2001 and G.S.R. 759 (E) and G.S.R. 76 (E) dated 29-09-2000 issued by the Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi and the booklet issued by the 2nd respondent regarding information for packaged water certification on the basis of the aforesaid notification dated 29-09-2000 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner:- MR.B.S.SHIVAJI

Counsel for Respondent No.1:MR. A. RAJASHEKAR REDDY S.C. FOR C.G.

Counsel for Respondent No.2: Mr. O. Manohar Reddy.

Counsel for Respondent No.3 & 4: G.P. for Medical, Health & Family Welfare.

THE HONOURABLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HONOURABLE SRI JUSTICE K.C. BHANU

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W.P. Nos.5086 of 2001; 6648 of 2002; 5545, 6013, 6104, 6437, 6452, 6484, 6626, 6656, 6827, 6963, 7032, 7140, 7166, 7752, 8790, 9196, 9200, 9735, 10096, 10137, 12817, 12842, 13387, 13531, 13610, 13623, 13682, 13822, 13827, 14015, 14024, 14368, 14372, 14626, 15209, 15946, 16783, 17621, 17826, 18984, 19084, 19574, 20413, 20696 & 20888 of 2001; 2434, 2665, 3910, 4513, 6216, 7307, 7515, 8529, 8781, 9642, 9733, 1863, 12850 & 15265 of 2002; 2679, 9024, 13855, 13907, 14633, 16562, 17247, 19756, 2678, 3709, 11417, 21348 of 2003; 3192, 11372, 12914, 13232, 14723 & 14729 of 2004.

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COMMON ORDER:

This batch of writ petitions may be disposed of by a common order since the question that arises for consideration in all these matters is one and the same.

The writ petitioners claim to be Small Scale Industries manufacturing 'mineral water'. They are aggrieved by the amendments made to the Prevention of Food Adulteration Rules, 1955, whereunder the 'packaged drinking water' (other than natural mineral water) (I.S.-14543) is brought under the compulsory Bureau of Indian Standards Certification Mark with effect from 29-03-2001. The amended rules prohibit manufacture, sale or exhibit for sale 'packaged drinking water' and 'mineral water' except under the Bureau of Indian Standards Certification mark.

The 1st respondent herein made amendment to the Prevention of Food Adulteration Rules, 1955, (for short 'PFA Rules') amending Rules 42 and 49 of the Rules by inserting Clause – 14 to Sub-Rule [zzz] to Rule 42, the labeling of every package of drinking water has to be provided as 'Packaged Drinking Water'.

Likewise Clause – 28 is newly inserted to Rule 49 which is to the following effect:-

"No person shall manufacture, sell or exhibit for sale packaged drinking water except under the Bureau of Indian Standards Certification Mark".

Likewise in Appendix – B after Item A-32 new Item is inserted as A-33 defining the 'packaged drinking water (other than mineral water)'.

The sum and substance of the amendments to the PFA Rules, is that 'packaged drinking water' is brought within the purview of the provisions of the Prevention of Food Adulteration Act, 1954 (for short 'PFA Act). The case of the

petitioners is that ‘water’ is not ‘food’ within the meaning of the provisions of the PFA Act and in fact it is specifically excluded from the definition of ‘Food’ as defined under Section 2(v) of the PFA Act. That unless necessary amendments are made to the provisions of the PFA Act itself, the rule making authority cannot include water as an item of ‘food’ for the purposes of the PFA Act. Since water is expressly excluded from the definition of ‘food’, the rule making authority cannot be permitted to bring the water within the purview of the provisions of the PFA Act by making necessary amendments to the PFA Rules. It was also contended that the rule making authority did not follow the procedure prescribed under the provisions of the PFA Act before the rules were promulgated. It was also contended that as per Rule – 7(7) of the Bureau of Indian Standards Rules, 1987 (for short ‘BIS Rules’), it is optional for the industries to get the Bureau of Indian Standards Certification.

It was also contended that the procedure prescribed for making compulsory use of standard mark for articles and process to certain schedule industries was not followed by the respondents before making applicable to ‘packaged drinking water’. Section 14 of the Bureau of Indian Standards Act, 1986 (for short ‘BIS Act’), enables the Government to notify any article or process of any schedule industry requiring it to conform to the Indian Standards; and direct the use of standard mark under a licence as compulsory but only after consulting the Bureau. The Central Government in the instant case did not consult the Bureau of Indian Standards in making ‘mineral water/packaged drinking water’ to get compulsory certification from Bureau of Indian Standards, and in the absence of the same, the petitioners cannot be compelled to apply for and obtain Bureau of Indian Standards Certificate. These are the two issues raised in the writ petitions.

A detailed counter affidavit has been filed by the Director of Ministry of Health and Family Welfare, Government of India, in which it is *inter alia* stated that the Government of India in exercise of the powers vested under sub-section (1) of Section 23 of the PFA Act, gave its intent to lay down specifications for "packaged drinking water" by issuing Draft Rules vide GSR 85 (E), dated 03-02-2000, inviting comments from the public, trade and industry; many objections/suggestions on the draft rules were received and duly considered and only thereafter final notification vide GSR 760 (E), dated 29-09-2000, laying down quality standards and other specifications in respect of the 'packaged drinking water' were issued. The said rules "The Prevention of Food Adulteration (7th Amendment) Rules, 2000" came into force with effect from 29-03-2001 after giving a clear period of six months time to the trade and industry for adoption of the said rules.

That on the recommendations of the Central Committee for Food Standards, a statutory Committee constituted under Section 3 of the PFA Act, it was decided to amend and upgrade the standards of 'Natural Mineral Water' also in the public interest and also to align it with international standards and accordingly issued notification for the purpose for the general information of the public and trade/industry vide G.S.R. 808 (E), dated 10-12-1999. After giving due considerations to the objections/suggestions received on the draft notification, the necessary amendments were made to the PFA Rules, whereby quality standards of all kinds of 'natural mineral water' were amended.

That as per the Amended Rules, the 'natural mineral water' and 'packaged drinking water' is now required to be sold only under the mandatory Bureau of Indian Standards certification. The procedure was laid down purely in public

interest in order to ensure that the manufacturing process complies with the standards/specifications laid down by the Bureau of Indian Standards and the product answers the quality and hygienic requirements.

It is explained in the counter affidavit that it is only 'plain water', which is excluded from the definition of 'Food' but not 'processed or packaged drinking water' or 'natural mineral water. Both 'mineral water' and 'packaged drinking water' have been categorized as 'food' internationally by the Codex Alimentarius, a body connected to the Food and Agricultural Organisation and World Health Organisation of the United Nations in the joint FAO/WHO Food Standards Programme. While the 'natural mineral water' was already covered under the ambit of the provisions of the PFA Act, the 'packaged drinking water' has now been defined under it.

Now we shall proceed to examine the submissions made by the learned counsel for the petitioners and as well as the learned Central Government Standing Counsel.

Section 2(v) of the PFA Act defines 'food' thereby meaning any article used as 'food' or 'drink' for human consumption other than drugs and water.

The whole of the submission that 'water' which is fit for human consumption is excluded from the purview of the provisions of the PFA Act and therefore no rules could be framed in that regard is required to be examined in the light of Section 2(v)(c) of the PFA Act.

Section 2(v)(c) reads as follows:-

> 'Food' means any article used as 'food' or 'drink' for human consumption other than drugs and water and includes – any other article which the Central Government may, having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purpose of this Act.

That a plain reading of Section 2(v)(c) makes it abundantly clear that the Parliament itself had authorized the Central Government to include and declare by notification in official gazette any article which is not otherwise defined in the Act as 'food' for the purposes of the PFA Act. The only limitation imposed upon the Central Government is that it shall have due regard to the use, nature, substance or quality of the article for the purposes of notifying it as an article of 'food'.

The Ministry of Health and Family Welfare (Department of Health) vide notification dated 12-03-2001 in exercise of the powers conferred by sub-clause (c) of Clause (v) of

Section 2 of the PFA Act, having regard to its use, nature, substance and quality, declared 'packaged drinking water' as 'food' for the purposes of the said Act. The said notification so issued by the Central Government is not challenged, and, in our considered opinion, cannot be challenged on whatever grounds. The same has obviously been issued by the Central Government in public interest and to ensure 'packaged drinking water' to be in conformity with the standards fixed by the Food and Agricultural Organisation and World Health Organisation of the United Nations.

One aspect that is required to be noticed is that petitioners are not the manufacturers of ‘mineral water’ as explained in the counter affidavit filed by the Bureau of Indian Standards, the product manufactured by the petitioners does not qualify to be called as ‘mineral water’. It is loosely styled as ‘mineral water’ by the manufacturers but concededly what they are manufacturing and selling is ‘packaged drinking water’.

The PFA Rules, prescribe the standards of quality of various food articles specified in Appendix – B to the Rules as are defined in that Appendix.

Part – IX of the PFA Rules provides conditions for sale and licence. Rule – 49 (1) which forms part of Part – IX of the PFA Rules mandates that every utensil or container used for manufacturing, preparing or containing any food or ingredient of food intended for sale shall be kept at all times in good order and repair and in a clean and sanitary condition.

Sub-Rule (28) of Rule 49 mandates that no person shall manufacture, sell or exhibit for sale packaged drinking water except under the Bureau of Indian Standards Certification Mark.

Sub-Rule (29) of Rule 49 mandates that no person shall manufacture, sell or exhibit for sale ‘mineral water’ except under the Bureau of Indian Standard Certification Mark.

It is thus clear that Sub-Rules (28) and (29) of Rule 49 prohibit the

manufacturing, sale or exhibition for sale of ‘packaged drinking water’ as well as ‘mineral water’ except under the Bureau of Indian Standards certification mark.

A-32 of Appendix – B defines ‘mineral water’ which includes all kinds of ‘mineral water’ or ‘natural mineral water’ by whatever name it is called and sold. It takes note of the fact that ‘natural mineral water’ is water clearly distinguished from ordinary drinking water, because of the reasons stated therein.

A-33 of Appendix - B defines “‘packaged drinking water’ (other than mineral water) means water derived from any source of potable water which is subjected to treatments, namely, decantation, filteration, combination of filteration, aerations, filteration with membrane filter, depth filter, cartridge filter, activated carbon filteration, demineralisation, remineralisation reverse osmosis and packed. It may be disinfected by to a level that will not lead to harmful contamination in the drinking water. It may be disinfected by means of chemical agents and/or physical method of the number of micro-organism to a level that does not compromise food safety or suitability.” It prescribed the standards to be followed.

It is thus clear that water, which is excluded from the definition of ‘food’ in Section 2(v) of the PFA Act, is ordinary water, which is clearly distinguishable from all kinds of ‘mineral water’ or ‘natural water’ and ‘packaged drinking water’ which may derived from any source of potable water subjected to treatments etc. Therefore, the notification issued by the Central Government dated 29-03-2001 declaring ‘packaged drinking water’ as ‘food’ for the purposes of

provisions of the PFA Act, in no manner amounts to amending the provisions of the PFA Act as contended by the learned counsel for the petitioners. The article of 'packaged drinking water' is added as an additional item as 'food' for the purposes of the PFA Act in view of its nature and substance etc. The 'packaged drinking water' as defined hereinabove is comprehensive in its term, which takes into account the water that, is being manufactured and processed by the petitioners' companies. The impugned amendments, in our considered opinion, cannot be characterised as arbitrary, capricious, unreasonable and unjust as complained by the petitioners.

We have already noted that requisite procedure has been followed by the Central Government before notifying the Rules. The objections and suggestions that were received have been taken into consideration before the Rules were made and notified.

The question of providing opportunity to each of the manufacturer/petitioner does not arise. Rule making power is legislative in its character and putting the individuals on notice is not the requirement in law.

Then we shall consider the submissions based on the provisions of Bureau of Indian Standards Act and the Rules made thereunder.

The Bureau of Indian Standards Act, 1986 (Act 63 of 1986) is an Act to provide for establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto.

Section 2(g) of the BIS Act defines "Indian Standard" "means the standard (including any tentative or provisional standard) established and published by the Bureau, in relation to any article or process indicative of the quality and specification of such article or process and includes –

i. any standard recognized by the Bureau under clause (b) of section 10; and

ii. any standard established and published, or recognized, by the Indian Standards Institution and which is in force immediately before the date of establishment of the Bureau;"

Section – 3 of the BIS Act authorises the Government by notification in the official Gazette to establish a Bureau to be called the Bureau of Indian Standards for the purposes of the Act.

Section 14 of the BIS Act enables the Central Government by an order to notify any article or process of any scheduled industry to be in conformity with Indian Standards; and direct the use of the standard mark under the licence as compulsory on such article or process.

Explanation to Section – 14 of the BIS Act says that for the purposes of the Section, the expression "scheduled industry" shall have the meaning assigned to it in the Industries (Developmental and Regulation) Act, 1951 (Act 65 of 1951).

The contention that since the petitioners' industries are not the scheduled industries, there can be no compulsion to use the standard mark is totally

misconceived.

That Section – 14 of the BIS Act speaks of a specific situation where the Central Government may in its opinion in public interest direct any article or process of any scheduled industry also to be in conformity with the Indian Standards and thereby direct the use of Standard Mark under a licence as compulsory of such article or process. The submission, as if, the whole of the Act itself applies only to the articles or process of scheduled industries alone, is misconceived.

The definition of 'article' in Section 2(a) of the BIS Act "means (as respects standardisation and marking) any substance, artificial or natural, or partly artificial or partly cultural, whether raw or partly or wholly processed or manufactured;"

That a reading of Section 2(a) together with 2(g) of the BIS Act makes it abundantly clear that the requirement of use of standard mark for article and process is not confined to articles or process manufactured or produced by the scheduled industry alone. The requirement of previous consultation with the Bureau by the Central Government as is required under Section 14 of the Act is only with reference to the article or process of the scheduled industry and not with regard to other articles.

Rule 7 of the BIS Rules, deals with powers and functions of the Bureau and Promotion of Indian Standards.

Sub-Rule (7)(a) of Rule 7 provides for procedure to be employed in establishing Indian Standards.

Sub-Rule (7)(b) of Rule 7 declares that the Indian Standards are voluntary and available to the public. Their implementation depends on adoption by concerned parties. “However, an Indian Standard becomes binding, if it is stipulated in a contract or referred to in a legislation or made mandatory by specific orders of the Government”.

It is thus clear, the Indian Standards which are otherwise voluntary and available to public can be made as a binding requirement by any legislation or by specific orders of the Government making it a mandatory requirement.

Sub-Rules (28) & (29) of Rule 49 of the PFA Rules which are couched in mandatory form prohibit manufacture, sale or exhibition for sale of ‘packaged drinking water’ and ‘mineral water’ except under the Bureau of Indian Standard certification mark. Thus, there is a clear legal requirement making the Bureau of Indian Standard certification mark compulsory for manufacture, sale or exhibition for sale of ‘packaged drinking water’ and ‘mineral water’. Even an order of the Central Government could have been enough for making the Indian Standard as a binding requirement.

The expression “in a legislation” employed in Sub-Rule - (7)(b) of Rule 7 of the BIS Rules obviously means “any legislation”; it is not confined to the provisions of the BIS Act and the Rules made thereunder. It only means that it may be made compulsory by any legislation validly enacted or Rules made under such legislation. Sub-Rules 28 and 29 of Rule 49 of PFA Rules are validly made which prohibit manufacture, sale or

exhibition for sale of 'packaged drinking water' without Bureau of Indian Standards certification mark. Rules make obtaining of the certification mark as mandatory requirement.

The only question that remains to be considered is whether the revised rates of marking fee with effect from
01-04-2001 suffers from any arbitrariness?

The Bureau of Indian Standards is an autonomous body working under the Aegis, Ministry of Consumer Affairs and Public Distribution. It is a self-sustaining one and the fee prescribed is to meet the operational costs for testing the samples drawn from the factory or market, inspection charges, administrative and supervisory charges. In the absence of any foundation in the pleadings as to how the fee charged is excessive or arbitrary, it would not be possible for this Court to accept the contentions to hold the fee charged as excessive. The contention is devoid of merit.

In the result, we find no merit in any of the submissions made by and on behalf of the petitioners.

The Writ Petitions are devoid of any merit and they are accordingly dismissed without any order as to costs.

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B. SUDERSHAN REDDY, J

Date: Sept., 2004

K.C. BHANU, J

PV

NOTE:

After signing of this common judgment by BRSR,J & KCB,J, and after dispatching the same, BRSR,J directs the Office to place one copy each of this common judgment in respective original bundle of each application (which are disposed of by this common judgment) for ready reference and record purpose.

(B/O)

PV

To

One fair copy to Hon'BIe Sri Justice B.Sudershan Reddy for his Lordships kind perusal.

One fair copy to Hon'ble Sri Justice K.C.Bhanu, for his Lordships kind perusal.

1 The Secretary,

Govt. of India Ministry of Health and Family Welfare
Department of Health,

New Delhi.

2 Bureau of Indian Standards Hyderabad Branch Office
Station Road, Nampally, Hyderabad.

3 General Manager, District Industries Centre,
Cuddapah District.

4. Food (Health) Authority under Prevention of Food

Adulteration Act, Medical and Health Services) A.P.,

Hyderabad.

5. The Food Inspector Division-II, Rangareddy Dist

The Govt. of A.P., Office of the Food Inspector, RR.Dist
Directorate of Institute of Preventive Medicine,
P.H.Labs & F(H) A, Narayanaguda, Hyderabad.

6. The Director,

Institute of Preventive Medicine (IPM),

Narayanaguda, Hyderabad

7. The Joint Secretary,

Union of India
Ministry of Health & Family welfare New Delhi.

8. The Director , Bureau of Indian Standards
Manak Bhavan, 9 Bahadursah Zafar Marg New Delhi.

9. The Food Inspector, East Godavari District,

Division-II, Kakinada Food (Admn) Department.

10. The Secretary, Medical & Health Dept Govt of A.P, Hyderabad.

11. The Secretary, Government of Andhra Pradesh (Food and

Health) Administrative Department, Hyderabad.

12. The Gazetted Food Inspector, Kakinda, E.G.Dist.

13. The Asst Food Controller & Local Health Authority
Zone -II, Kakinada , E.G.Dist.

14. The Local (Health) Authority

Vijayawada , Vijayawada municipal Corporation vijayawada ,

Krishna Dist.

15. The Local Health Authority Medical Health Dept.,
Nellore Dist.

16. The Food Inspector, Nellore Rural
Nellore Dist.

17. The Local Health Authority Food (Health) Administration

Department, Rajahmundry, East Godavari Dist.

18. The Local Health Authority Guntur
Guntur Dist Food (Health) Administrative Department.

19. The Local Health Authority Amalapuram Municipality
Amalapuram, E.G.Dist.

20. The Local [Health] Authority Warangal Municipal Corporation
Food [Administrative] Department.

21. The Assistant Food Controller & Local (Health) Authority, E.G.Dist

Zone-II, Kakinada Food (Administration) Department.

22. The Assistant Food Controller & Local [Health] Authority

Hayatnagar, Ranga Reddy District
Food [Administration] Dept.

23. The Assistant Food Controller & Local [Health] Authority Warangal

District Food [Administration] Department.

24. The Food Inspector,Krishna District
Machilipatnam.

25. The Local Helath Authority Nellore

Nellore District Food (Health) Administration Department.

26. The Food Inspector
Nellore Rural Nellore Dist.

27. The Local Health Authority
Rajahmundry.

28. The Local Health Authority
Tirupathi,Chittoor District Food (Health) Administrative

Department.

29. The Food Inspector, Tirupathi Chittoor District.

30. The Assistant Food Controller Food (Health) Admn. Department
Proddutur, Cuddapah Dist.

31. The Secretary (Health),

The Govt., of India Ministry of Health and Family

Welfare Department of Health

New Dehli.

32. The Gazetted Food Inspector Local (Health) Authority,

Khammam District.

33. Assistant food Controller Food (Health) Admn. Department
Miryalaguda, Nalgonda Dist.

34. Assistant Food Controller, Food (Health) Admn. Department
Dhone, (M) Kurnool Dist.

35. The Gazzeted Food Inspector, Warangal Dist.

36. The Food Inspector, Office of the Gazetted Food Inspector & Local (Health) Authority, Brundavan Nagar, Lambadi Donka, Ongole, Prakasam Dist.

37. The Food Inspector Division-II , Nalgonda Dist
6-1-88, Vidyanagar, Nalgonda –I.

38. The Gazetted Food Inspector and Local (Health) Authority
Mamillaguadm ,Khamman Dist.

39. The Food Inspector Division No. II Nalgonda Dist.

40. The Food Inspector, Division No.II, Nalgonda District, 6-1-89, Vidyanagar, Nalgonda-1.

41. The General Manager, District Industries Centre,
Nellore, Nellore District.

42. The District Collector, Nellore District Nellore.

43. The Superintendent of Police, Nellor District, Nellore.

44. The Local Health Authority, Food (Health) Administration

Department Machilipatnam, Krishna District.

45 The Food Inspector,
Machilipatnam, Krishna District.

46. The Food Inspector, Division-II, Government of AP,
Adilabad District.

47. The Municipal Health Officer, Nizamabad Municipality,
Nizamabad Town, Nizamabad District.

48. The Gazetted Food Inspector & Local Health Authority,

Office of the Assistant Food Controller, Zone-IV,

7/380 - A., Bagyanagar Colony., Cuddapah.

49. The Gazetted Food Inspector, 2611/2403,
Vedayapalem, Nellore District.

50. The Food Inspection Division, Khammam.

51. The District Collector, Khammam.

52. The Superintendent of Police, Khammam District.

53. B.I.S. Hyderabad Branch Office,
Nampally Station Road, Hyderabad.

54 The Director, Institute of Preventive Medicine,
Narayanaguda, Hyderabad.

55 The Food Inspector, Division-III, Local Health Authority,
Karimnagar Dist. Karimnagar.

56. The District Collector, Srikakulam District, Collectorate.

57. The Gazetted Food Inspector, Srikakulam District.

58. The Superintendent of Police, Srikakulam District.

59. The Bureau of Indian Standards (BIS), Hyderabad Br, Nampally

Station Road, Hyderabad.

60. The Gazetted Food Inspector, East Godavari District, Kakinada

61. The Secretary, Government of Andhra pradesh, Food and Health

Department, Secretariat, Hyderabad.

62. The Gazetted Food Inspector & Local (Health) Authority,

Karimnagar.

63. The Gazetted Food Inspector & Local (Health) Authority, Ongole,
Prakasam District.

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Public Distribution, Ministry of Consumer Affairs, New Delhi.

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